

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

LGOIMA compliance and practice at Porirua City Council

Office of the Ombudsman

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Cover image: Aerial view of Porirua and harbour. Supplied by Porirua City Council



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Opinion of the Chief Ombudsman

December 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 ones to investigate, I consider a range of factors, such as ensuring a mix of different council structures, levels of resource, and regions in 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.

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.

Porirua City Council's (the Council) open leadership impressed me. The Council's culture of information release, and respect for the people of Porirua, was evident in its practice of actively engaging with diverse voices when making decisions that affect the community. A number of senior leaders considered that information should be readily available to the public, and the LGOIMA process used as a last resort for people to access information. While this attitude is a positive one, and consistent with the Act's principle of availability, I encourage the Council to ensure, when information is requested, LGOIMA practices and procedures are clear and robust.

I am concerned that the Council's model for processing LGOIMA requests is lacking in specialist expertise. It was not clear whom staff could approach for advice on more complicated LGOIMA requests. Staff training on LGOIMA, from induction to advanced courses for decision makers, is also lacking. Internal policies could be improved and LGOIMA decision makers need to consider the public interest test when appropriate. If these issues are addressed, and the importance of LGOIMA is emphasised by senior leaders, the result will be an improvement in LGOIMA timeliness and the quality of responses will be enhanced.

There is also room for the Council to improve its record keeping practices, including keeping records of decision making, and information management systems. Opportunities exist to develop policies and guidance materials to support staff in their ability to understand and execute their record keeping and LGOIMA obligations.

My investigation coincided with an unprecedented event, the emergence of Covid-19 and the resulting nationwide state of emergency and 'lockdown'. The Council was agile in its response to temporary amendments made to the local authority meetings provisions in LGOIMA. These

amendments were made to ensure that local government decision making processes could continue during lockdown, while still being accessible to the public.

The Council was given an opportunity to comment on my provisional opinion. It was encouraging that the Council accepted the majority of my action points. In particular, it is in the process of forming a group of in-house LGOIMA experts or champions to aid in LGOIMA processing. The Council is also planning to commence live streaming of Council meetings, improve LGOIMA training and update relevant policies.

Many of my suggested action points have been implemented already and the rest are scheduled for implementation in the Council's upcoming work programme. I intend to follow up with the Council at appropriate intervals over the next year, and I look forward to seeing the Council's progress.

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

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

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



Peter Boshier
Chief Ombudsman
December 2020

Introduction

This report sets out my opinion on how well Porirua 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 purpose of LGOIMA is to increase the availability of information held by local authorities and to promote the open and public transaction of business at meetings. This ensures people can:

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

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

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

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

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

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

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

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

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

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

My opinion

I have identified areas of good practice and areas of vulnerability, which I think the Council should address. In my report, I address each of the five assessment areas listed above, setting out:

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

The investigation identified that the Council has a strong culture of openness and transparency. Meetings with staff members highlighted a number of individuals who spoke enthusiastically about the Council and clearly value the community they work for. The Council appeared to undertake genuine engagement with the public and build a trusting relationship with some harder-to-reach community groups. It was also evident that the Council values openness and adheres to the overarching principle of availability.

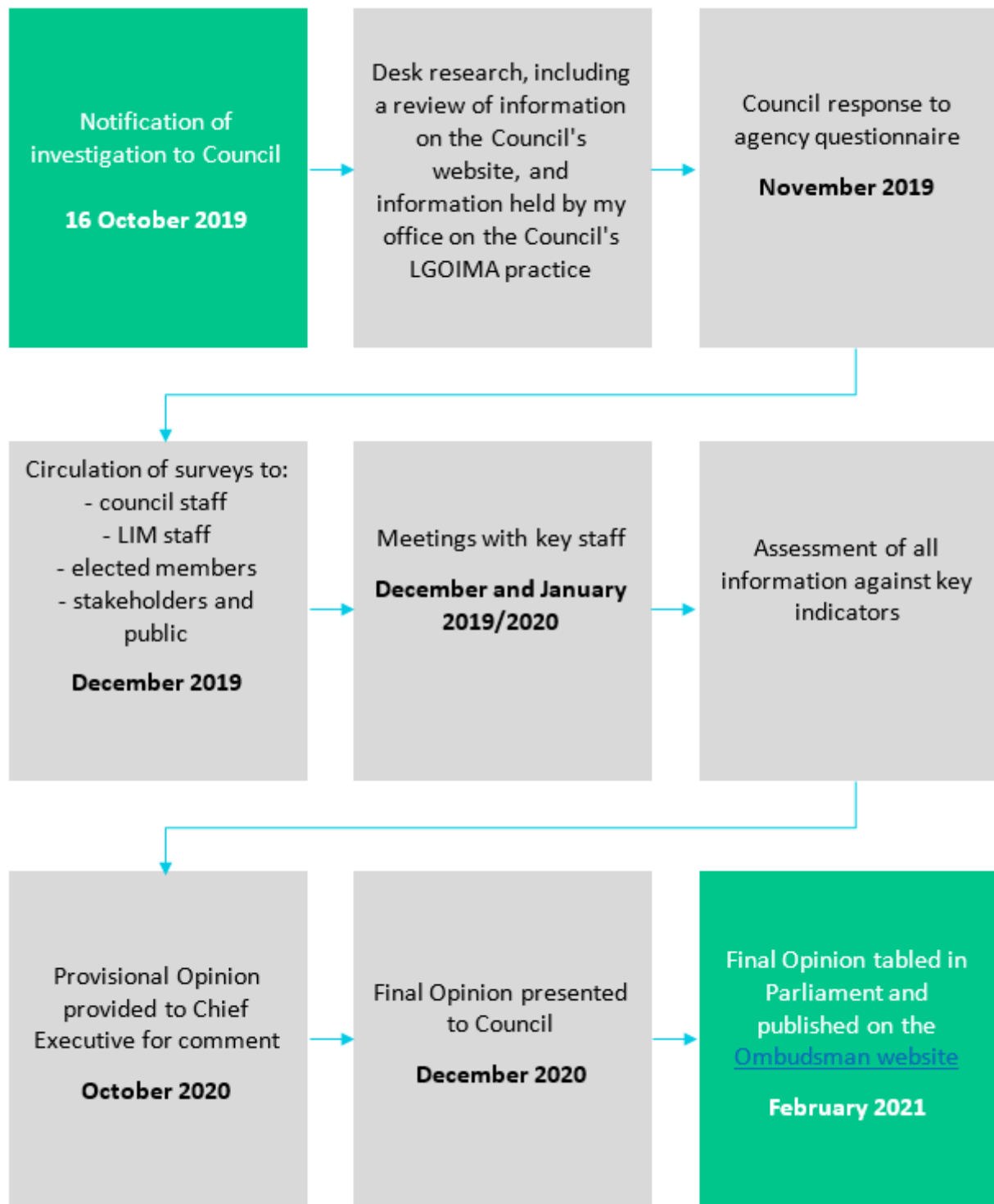
I have outlined opportunities for improvement and suggested 38 actions that I consider will improve the Council's practices. The Council accepts 36 of my suggested action points and has developed a plan to implement them.³ A number of changes to the Council's practices have already occurred and I encourage it to continue with the outlined programme of work to improve processes and practice. I refer to the Council's specific responses in the body of the report.

My opinion relates only to the Council's practice during the period in which my investigation took place.⁴ I notified the Chief Executive of the commencement of my investigation on 16 October 2019.

³ The Council did not accept the action points to '*assign a senior leader with responsibility for proactive release of information*' and '*consider ways to improve meeting minutes to promote transparency*'.

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.](#)

Porirua City Council: a snapshot

Porirua is one of four cities that comprise the Wellington metropolitan area in the Wellington region of New Zealand's North Island. It is located at the southern end of the Kapiti Coast next to the Porirua Harbour and has a land area of 175 kilometres.

The local authority, Porirua City Council (the Council), has 10 elected Councillors and one elected Mayor. Elections are held every three years. The Council is one of nine in the Wellington region.

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

The Council was established in 1965.



Image courtesy of Porirua City Council

In 2018/19, Porirua City Council:

- Served 55 400 residents
- Received approx. \$59 million in rates
- Employed approximately 332 staff
- Received 138 requests under LGOIMA
- Handled 78% of these requests within the legislative timeframe
- Processed 631 LIM reports
- Handled 98.5% of LIM applications within the legislative timeframe

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Mayor Anita Baker

Deputy Mayor Izzy Ford

Elected Councillors 10

Wards Eastern Ward/Pāuatahanui ki te uunga mai o te ra, Northern Ward/Pukerua ki te Raki, Western Ward/ Titahi Rangituhi Porirua ki te uru

Chief Executive Wendy Walker

Executive summary

Leadership and Culture

Leadership is key to developing and maintaining a strong culture of openness and transparency within a council. The Chief Executive has an open leadership style and models openness and transparency in her work. A number of senior leaders said that information should be readily available and see LGOIMA requests as a last resort for people to access information, which is consistent with LGOIMA's principle of availability. Currently, the Chief Executive makes all LGOIMA request decisions. It is positive that the Chief Executive takes ownership of LGOIMA requests, but the Council may wish to consider delegating some decision-making authority to ensure there are adequate resilience arrangements in place.

The Council's engagement and consultation with the community is excellent. The Council recognises the importance of genuine engagement through various initiatives and it engages well with community groups that are harder to reach. The staff members my investigators met with said they had spent considerable time and effort building trusting relationships with the communities they were seeking to engage.

Another standout area for the Council is its social media presence and the digital channels it uses to communicate with the community. It has demonstrated an ability to adapt the way it communicates depending on the target audience. The Council publishes a substantial amount of information on its website, and I encourage it to also consider publishing internal policies, especially those relevant to openness and transparency. A review of the LGOIMA webpage to make improvements consistent with this report would be beneficial. The Council might also wish to update its other digital channels to enable the public to make a LGOIMA request more easily, or to include references to LGOIMA, openness and transparency more generally.

Although the Chief Executive clearly champions openness in relation to LGOIMA, specific references to LGOIMA were not particularly evident in internal messaging to staff. Clear, visible and regular statements are required to ensure staff are aware of the importance of LGOIMA requests. External messaging is important too. The Council should include references to openness in strategic documents, and reintroduce a question on transparency in the Residents' Survey so that public opinion can be determined.

Releasing information in response to LGOIMA requests, and proactively releasing information, facilitates informed public participation in local government decision making. It is positive that the Council is now publishing some LGOIMA responses. However, if the Council is withholding or redacting information because it is being published proactively, as opposed to withholding information for a reason outlined in the Act (as part of a LGOIMA request process), it should ensure the withholding of such material be completed as two separate and distinct processes. In addition, the Council should consider a strategic program of release and assign a senior leader to be responsible for the proactive release of information.

Action points: Leadership and culture

1. Regular, consistent, positive messaging by senior leaders about the importance of LGOIMA and openness more generally
2. Weave the concepts of openness, transparency and LGOIMA into strategic documents
3. Consider reintroducing transparency questions into the Residents' Survey
4. Review the LGOIMA webpage and consider adding the information suggested in this report, such as the overarching purpose of LGOIMA; reference to the common withholding grounds; and details to complain to my Office
5. Consider publishing internal policies on the website, especially those relevant to openness and transparency
6. Assign a senior leader with responsibility for proactive release of information
7. Consider a documented and published strategic program of proactive release
8. When proactively publishing information, ensure a decision to withhold or redact information due to it being proactively released is a separate and distinct process from consideration of withholding information under LGOIMA
9. Consider whether to delegate some LGOIMA decision making to senior staff members

Organisation structure, staffing and capability

The Council uses a 'decentralised' model as it does not have a team dedicated to the co-ordination and processing of LGOIMA requests. While the majority of Council staff my investigators spoke to said the structure works well, I am concerned there may be a lack of centralised, specialist knowledge that staff can draw on. As a result, I encourage the Council to review the current model to determine if there is sufficient technical expertise for the staff processing LGOIMA requests. The structure should also be resilient enough to ensure technical advice is available regardless of staff movements.

Organisational resilience was also identified as a vulnerability for the Council. The Principal Advisor role, with responsibility for strategic advice and technical guidance around LGOIMA requests, was vacant for some of the investigation period, which highlighted a lack of specialised LGOIMA expertise. The Council should ensure there is sufficient knowledge of LGOIMA within the organisation to provide coverage for key staff when they are away.

The Council has provided some training to staff on LGOIMA in the last two years, but I strongly suggest additional training for new staff at induction, and advanced courses for those involved in the LGOIMA process. The risk with a decentralised model is even with adequate training in place, complexities may be forgotten by the time a request is made and needs to be processed.

I would like the Council to consider building the skill set of a smaller group of staff in order to create LGOIMA experts or specialists who can be 'go to' people.

The Council's model for handling LIM applications appears to be going well, with a LIM Officer position responsible for processing requests. The administration of Council meetings is also generally going well, although some improvements could be made, which are discussed in the *Current Practices* section.

Based on conversations with staff, the Chief Executive and feedback from elected members through an online survey, I am satisfied that elected members understand their responsibilities in relation to LGOIMA requests. However, it would be beneficial for the Council to develop an 'information protocol' for elected members to outline how LGOIMA applies to them.

Action point: Organisation structure, staffing and capability

- | |
|---|
| 1. Review the current model for responding to LGOIMA requests to determine if there is sufficient technical advice for staff processing requests |
| 2. Ensure there is sufficient knowledge of LGOIMA within the Council to provide coverage when key staff are away |
| 3. Include a more detailed overview of LGOIMA to all new staff as part of induction training |
| 4. Develop an advanced training course for those involved in the LGOIMA process, including the Communications and Marketing team, Customer Services team and senior leaders |
| 5. Consider developing an 'information protocol' for elected members, which outlines how LGOIMA applies to them |

Internal policies, procedures and resources

The Council has resources in relation to processing LIM and property file requests, Council meeting resources and official information guidance. It is positive the Council recently conducted an information audit to understand what improvements are necessary to meet business and legislative requirements.

I have identified a number of resources that require improvement. The Council ought to consider amending its template letters to include details of weighing the public interest when withholding either some or all requested information. The Council's existing guidance on official information requests should be further developed to include more detail, in particular, how to apply the withholding grounds, weighing public interest considerations and recording deliberations. Currently, the Official Information guide includes a section on publishing LGOIMA requests. I encourage the Council to develop a broader proactive release policy with accountability assigned to a senior leader. The Council should also consider publishing this type of guidance on its website.

During the investigation period, the Council's official information guidance stated that staff '*normally*' withhold the names and contact details of junior staff. Under LGOIMA, there is usually no basis for withholding staff names if all that would be revealed is what occurred in their official capacity. However, withholding staff names may be justified where the withholding grounds relating to safety and improper pressure or harassment are engaged. During the course of the investigation, the Council stopped the practice of normally withholding names of junior staff and the relevant guidance document has been amended to reflect the change in practice.

I encourage the Council to develop policies in information management and record keeping and ensure they are regularly reviewed and kept up-to-date. Council staff would also benefit from additional training on information management and record keeping.

Other improvement opportunities include ensuring that related guidance documents, such as those dealing with media requests, information requests and LIM requests, reflect LGOIMA and are compliant with the Act. Another potential resource for staff could be a LGOIMA champion or buddy system.

Action points: Internal policies, procedures and resources

1. Update the official information guide and consider publishing it on the website
2. Consider including more detail in the guide, in particular about the application of the withholding grounds, weighing public interest considerations and recording any deliberations
3. Prioritise the development of a proactive release policy with accountability for its delivery assigned to a senior leader
4. Consider amending template letters to include specific consideration of the public interest, where applicable
5. Develop written policies on information management and record keeping
6. Ensure information management and record keeping resources are regularly reviewed and up-to-date
7. Develop and implement more detailed, regular training for staff on record keeping and information management
8. Update relevant policy, procedure and guidance documents to ensure compliance with LGOIMA requirements, for instance if information is not provided, a requester can complain to my Office
9. Consider developing a LGOIMA champion or buddy system and ensure they are identifiable to all staff

Current practices

In many ways, the Council is very open. It has an open Chief Executive, proactively releases some information and considers openness a key part of its identity. The Council's Chief Executive is reluctant to charge for LGOIMA requests, even though the Act does allow for recovery of some costs for requests that require considerable labour and materials.

However, I am concerned that when a random selection of LGOIMA files were reviewed, some issues were identified.

It was not clear from the records whether adequate consideration had been given to the public interest in making information available when withholding information under section 7 of LGOIMA. In addition, internal deliberations on requests were not recorded. The LGOIMA timeliness rate was the lowest of all the Councils I have investigated thus far.

My investigation coincided with the lockdown imposed by the Government in response to the COVID-19 pandemic. The Council responded well to an increased number of LGOIMA requests over the period and proactively published a range of information related to the Council's COVID-19 response. During the COVID-19 alert levels 3 and 4, Council meetings were live streamed by online video conferencing, as per section 47A of LGOIMA. I am pleased the Council has made a recording of all video conferenced meetings available on its website. I would encourage the Council to explore options to continue live streaming or recording Council meetings as this would greatly aid transparency.

The Council has demonstrated it is compliant with statutory requirements for public notification of meetings, publication of agendas, and issuing minutes. I urge the Council to consider ways to improve meeting minutes to promote transparency. Workshops are not open to the public, and while the Council states it does keep workshop notes, the website states the public are not given access to the notes. This is inaccurate as the public can request any official information held by the Council.

Record keeping is an area requiring development for the Council. It has a centralised data management system, but it is not being fully utilised across council. It would help to have regular audits of record keeping as well as an executive sponsor from within the senior leadership team to have oversight of information and records management. I am also concerned that LGOIMA decision making is not documented. The Council must record the reasoning behind LGOIMA decisions and the administrative steps taken to complete a LGOIMA request.

A review of a sample number of LGOIMA request files revealed that the Council was not periodically saving original, unredacted documents relating to the information requested in a location that was accessible. Since the investigation commenced, the Council states it has rectified the issue and is ensuring the original, unredacted documents are kept in the centralised records management system. It is positive that the Council has taken steps to rectify this issue during the course of the investigation. I encourage it to ensure the process is occurring consistently across the organisation and that all guidance documents are updated accordingly.

The Council should also ensure that all information requests (including information requests from media and general information requests) are handled in accordance with the provisions of LGOIMA.

Finally, elected members are not currently provided with Council email addresses. To enhance the effective collation of information when requests are made, I suggest Council provide email addresses to elected members, and encourage elected members to use them for all Council business.

Action points: Current practices

1. Ensure LGOIMA decision makers consider the public interest test where applicable
2. Record the reasoning behind LGOIMA decisions, including consideration of public interest and results of consultations with third parties
3. Record administrative steps taken in respect to LGOIMA responses where relevant, such as a record of the search for documents
4. Consider livestreaming and recording Council meetings
5. Consider ways to improve meeting minutes to promote transparency
6. Amend the website to state that the public can request workshop meeting notes under LGOIMA
7. Ensure that all information requests are handled in accordance with the provisions of LGOIMA; for instance if information is not provided, ensure it is withheld in accordance with the relevant section of the Act and advise the requester they can complain to my Office
8. Ensure all original, unredacted documents relating to the information at issue are being saved in the LGOIMA folder of the records management system and guidance documents are updated
9. Designate an executive sponsor from within the senior leadership team who has oversight of information and records management
10. Regularly audit record keeping and information management practices, and report to Chief Executive
11. Provide Council email addresses for elected members, and encourage elected members to use them for all Council business

Performance monitoring and learning

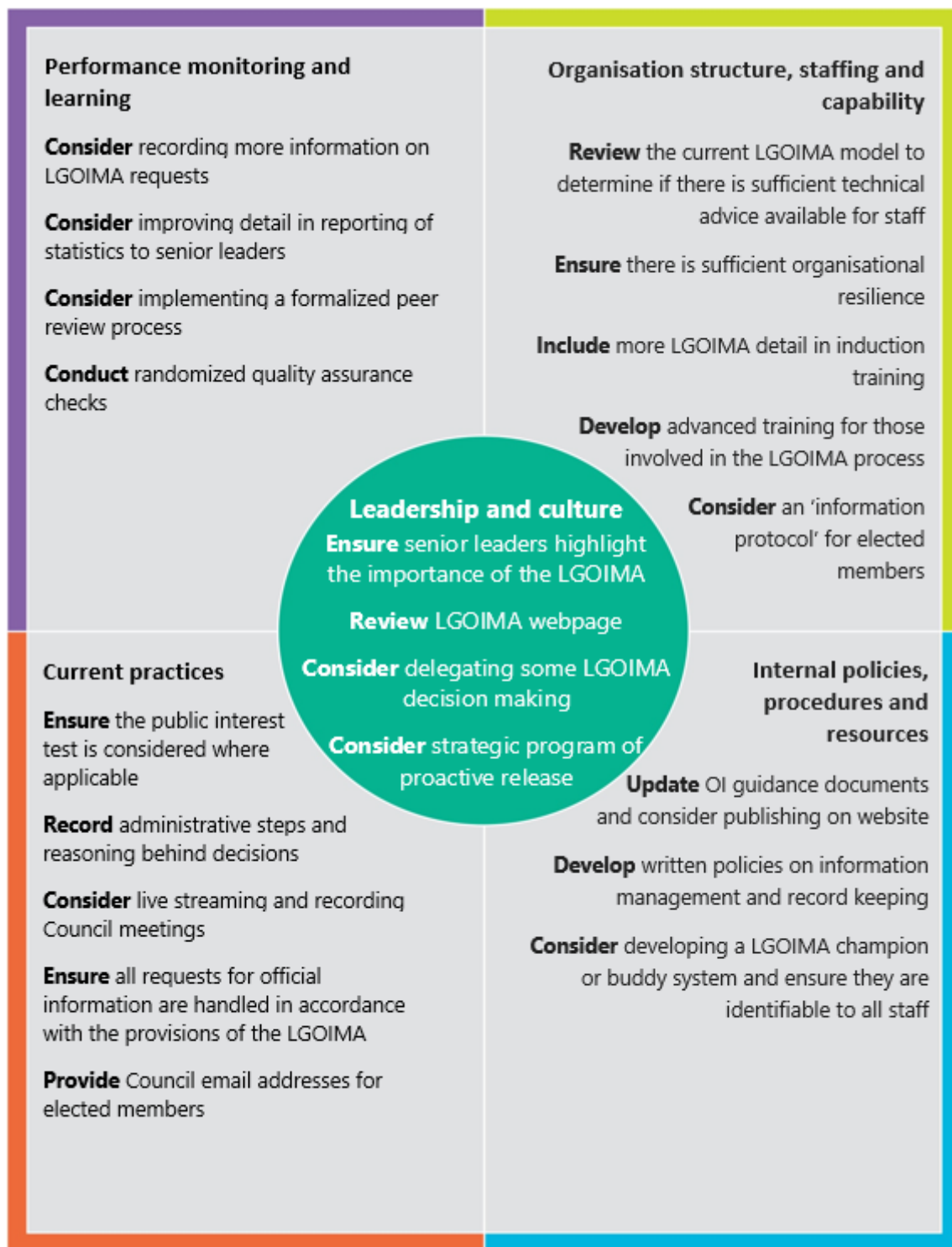
The Council currently monitors LGOIMA requests in terms of numbers and timeliness, but I suggest it consider recording more information. The Council also reports some LGOIMA data to senior leadership on a regular basis, although the detail in the reporting could be improved.

The Council utilises Google Analytics, which enables it to analyse website audience demographics either in real-time or backdated data. In addition, the Council utilises social media insights for Facebook, LinkedIn, Twitter and Instagram. The Council states that social media channels provide in-depth insight into their audiences allowing the Council to focus content and provide the correct information at the right time of day.

I consider it helpful for councils to have a robust peer review process. Currently the Council relies on senior staff, who see all LGOIMA responses, as a peer review. While there are benefits to this, it could be improved by having a peer with specialised knowledge of the Act review responses prior to senior management and the Chief Executive. Random quality assurance checks of LGOIMA responses (completed after requests are finalised) are not currently occurring, but are another way the Council could ensure that its practice is in accordance with guidance and consistent across the organisation.

Action points: Performance monitoring and learning
1. Consider recording more information on LGOIMA requests
2. Improve detail in regular reporting of statistics to senior leadership
3. Implement a formalised peer review process
4. Conduct randomised quality assurance checks after finalisation of LGOIMA requests

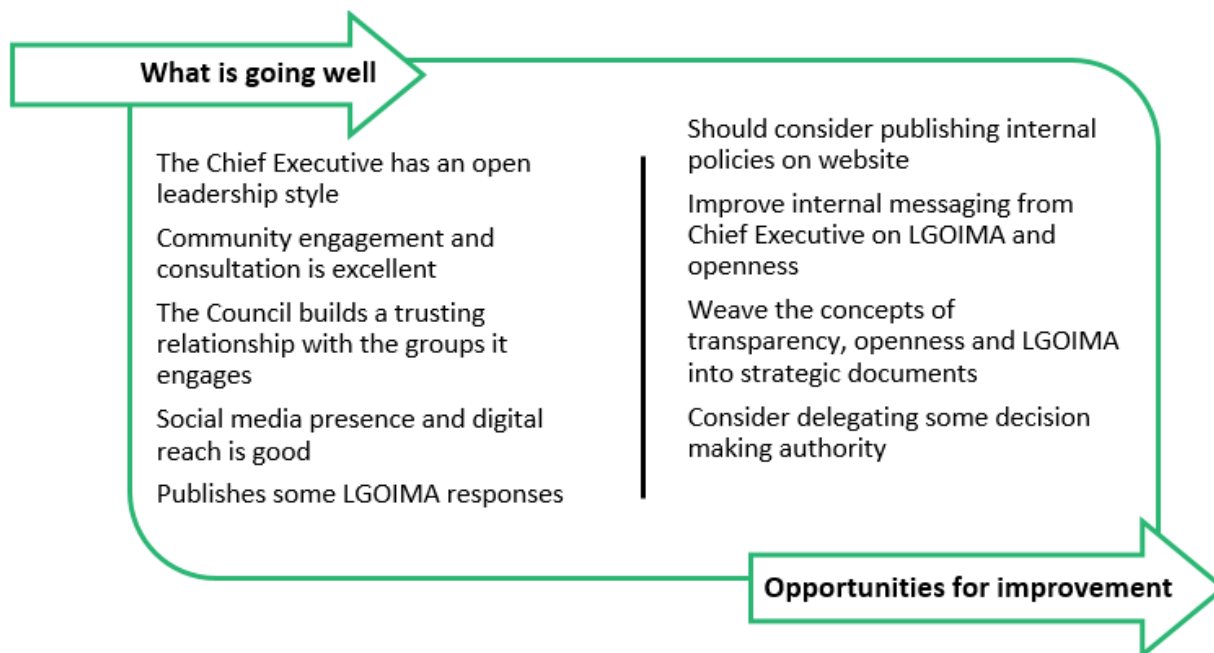
Lifting LGOIMA performance at Porirua City Council: summary of actions



[Link to verbalisation of 'Lifting LGOIMA performance at Tauranga 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, and they should champion compliance with the principles, purposes and provisions of the Act.

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

- elected members, the Chief Executive, senior leaders and managers demonstrate a commitment to meet LGOIMA obligations and actively foster a culture of openness;
- senior leadership have established an effective strategic framework that promotes a culture open to the release of information; and
- senior leadership demonstrate a commitment to proactive disclosure, and public participation with clear links 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 open leadership style

As part of my investigation, my investigators carried out a number of meetings with staff and conducted online surveys of staff, elected members and the public. The overall impression gained through the meetings was that the Council is committed to being open and releasing as much information as possible. Approximately 88 percent of staff survey respondents considered the Council to be either ‘*strongly*’ or ‘*moderately*’ committed to a strong culture of openness and public participation.

I met with the Chief Executive in October 2019 and March 2020 and asked her how open she thinks her organisation is. She said that she considers herself an ‘*openness zealot*’ and that the Council is generally fairly open.

The Chief Executive has had to address some high-profile political issues, as outlined in several media articles and in this [media statement](#). Such tensions can have a negative impact on both staff within the Council and the public, particularly when seeking to build a culture of transparency. It was clear from meetings my investigators had with staff, and reflected in my meetings with the Chief Executive, that despite the challenges, the Chief Executive does encourage openness within the Council. I commend her for striving to champion accountability in the work the Council does. I believe the Chief Executive’s naturally open leadership style is a good foundation to build on in order to gain public trust.

My expectation is that elected members, the Chief Executive and senior leaders model openness and transparency in the work they do and present a united front on issues of transparency. I encourage elected members to promote the importance of LGOIMA as it relates to their roles and responsibilities under the Act. The value of developing and maintaining positive working relationships, including between elected members, should not be underestimated.

Senior leaders also seem to be very open about LGOIMA and transparency more generally. In a meeting, one senior leader said ‘*to be honest, since I have been GM [General Manager] I haven’t redacted anything. Aside from personal details of individuals, there has been nothing that we have withheld*’. She went on to say ‘*I just believe that the public have a right to know what we are doing*’. To hear statements that demonstrate such a commitment to openness from senior leaders within an organisation is admirable and I commend the Council for fostering such attitudes.

The Council’s LGOIMA request statistics appear to support what the senior leader articulated in the comments above. The Council has reported that it received 138 LGOIMA requests in the last financial year (1 July 2018 to 30 June 2019). Of those, it granted 118 requests in full and 20 requests in part, and it refused no requests in full. That the Council granted approximately 78 percent of requests in full is an indication that the Council has a culture of information release.

The general culture seems to err towards one in which senior leaders consider that information should be readily available, and see LGOIMA requests as a last resort for people to

access information. This is consistent with one of the purposes of LGOIMA, which is to increase progressively the availability to the public of official information.⁵ One senior leader said:

When I see someone who is using LGOIMA as a tool to get information... I just think we just need to talk to these people. I don't want them to feel like this is their only tool to get stuff.

Genuine engagement with the community

Several staff meeting attendees spoke passionately about community engagement and consultation. Council staff do appear to have an understanding that they are the 'kaitiaki of this place'⁶ and that the community and the Council work together to 'keep it working and help it grow.'⁷

There are legislative requirements for consulting with the community, which are set out in section 82 of the Local Government Act 2002 (LGA).⁸ These aspects of the LGA intersect with the purposes of LGOIMA, which are to increase the availability of information, promote accountability, and enable the public to participate in the actions and decision of councils. Genuine and effective engagement with the public is key to enabling effective participation by the community, which allows them to participate in decision making.

The Council recognises the importance of genuine engagement through various initiatives. For instance, it is routine for staff at the Council to conduct a pre-engagement process, which involves discussion with relevant groups on the best way to engage. The result is a tailored, specific engagement plan for each project.

Porirua City has a unique demographic: approximately 40 percent of its population is under 25 years old, which makes it one of the youngest populations in Aotearoa. It is also a diverse population: approximately 25 percent of the population are Pasifika, and 19 percent are Māori. Porirua City has one of the smallest proportions of Pākehā/New Zealand European (60 percent).⁹

Several staff meeting attendees said the Council considers its unique population when attempting to reach groups for consultation. For instance, one manager said that the Council conducts pre-engagement with young people by approaching schools to get submissions. Another staff meeting attendee said that for the District Plan they started with a reference group as well as targeted consultation and drop in sessions. She said they like to spend as much time as possible in the 'informal space' so they have a good grasp on the community's views before moving to the 'formal space'.

⁵ See s 4 LGOIMA 1987

⁶ Link to the [Council's Your Council webpage](#)

⁷ Link to the [Council's Your Council webpage](#)

⁸ Link to [s 82](#) Local Government Act 2002

⁹ Link to the Council's [Long Term Plan 2018-2038](#)

Another example of the Council engaging with a ‘*particularly hard group to reach*’ is consultations with the Pasifika community for the District Plan. One staff meeting attendee said they tried a variety of means to reach people, including mailbox drops, and approaching churches and schools. She said that they have to be mindful of not just taking the ‘*tried and true*’ approach. She said:

I don’t mind being criticised for not doing something, but what I don’t want to be criticised for is [the public saying] ‘you haven’t heard my view’.

After pre-engagement, the staff meeting attendee said the key consideration is reaching the target group. She said ‘*you don’t just use facebook, you don’t just use public meetings, you have got to think about audiences, where they sit and how they function.*’ She said she wants to build relationships that are enduring. These relationships may be centred on food or being social.

I am impressed by the strategies used by the Council to genuinely engage with groups that may be harder to reach. The Council’s practice was endorsed at a national level in May 2020, when it received an award from the New Zealand Society of Local Government Managers (SOLGM) for its youth-centred approach to long term planning. This is an area of excellent practice for the Council, which serves as a positive example to other councils.

Building a trusting relationship with the public

Consideration was given to whether or not senior leadership demonstrates its commitment to public engagement by providing clear links to its strategic plans and other external documentation. As discussed below in [Opportunities for improvement](#), there is room to include an overarching visible and explicit statement about the Council’s commitment to openness or transparency on its webpage. However, there is publicly available documentation about public consultation¹⁰ and engagement.¹¹ While terms such as ‘transparency’ and ‘openness’ may not be overtly stated, a number of Council’s key strategic documents use terms such as ‘trust’, ‘confidence’ or ‘honesty’, which may resonate more with their community.

One staff meeting attendee said that communication to the public is about sharing enough information to be able to engage effectively. She said they want to be ‘*in that space for years*’. She thinks the language they use reflects that. She said:

So that was the language... it wasn’t ‘we want to be transparent and open’ because that almost sounds a bit glib ... I go in with the assumption that we are being transparent and open....

[We are] open and transparent by doing and by being honest. People get that. They feel it, they see it, they hear it. So people are good at detecting transparency and genuineness and integrity. You are building trust aren’t you?

¹⁰ Link to the [Council’s Public Consultation webpage](#)

¹¹ Link to the [Council’s Policies webpage](#)

I appreciate the Council's attitude to building a trusting relationship with the community beyond open language. However, I do consider the Council could improve its key strategic documents by weaving in the role LGOIMA has in ensuring public access to information. I have discussed this further in [External messaging](#).

Digital reach

Another standout area for the Council is its social media presence and the digital channels it uses to communicate with the community. The main digital channels for communication are the Council website, and social media. The Council's social media includes Facebook, LinkedIn, Twitter and Instagram. At the time of writing, the Council had over 21,000 followers on Facebook.

One staff meeting attendee said the Council is expanding into more youth-oriented channels because they have a very high population of young people in the city. She said they engage with young people before they decide what channel to use on their behalf and engagement will include surveying their own staff who are under the age of 25 years. Blogging is another new channel the staff meeting attendee said they are going to use to engage with more people across the city. She said blogging allows people to *'tell the story of Porirua themselves'*.

The Council's website is very user friendly and the language used is plain English. The Council has recognised it is a young and diverse community and focused on keeping it straightforward. The language used on the website reflects the community by including Māori and Pacific languages.

The current website is approximately three years old and the Council states it surveyed Porirua residents before making any changes. One staff meeting attendee said they have removed a lot of information from the previous website that was not accessed by the public. Another said *'we had to be careful not to throw the baby out with the bathwater'*, so they have kept the removed information in 'backend' and can still provide it to the public if requested. The staff meeting attendee said:

We wanted to be welcoming, we value our diversity and value the natural environment, the harbour and the hills so that was incorporated into our brand.

As part of my investigation, I surveyed members of the public. Sixty-seven members of the public responded. One of the questions asked if it was easy or difficult to navigate the website. The response was fairly neutral; 22 percent of respondents said it was *'somewhat easy'* to navigate the website, 22 percent said it was *'somewhat difficult'*, 41 percent said it was *'neither easy nor difficult'*.

I commend the Council for its progressive digital strategy and its ability to adapt the way it communicates depending on the target audience. However, the Council could consider making some improvements, particularly in relation to the LGOIMA webpage (see [Website](#)).

Proactive release of information

The proactive release of information to the public promotes good government, transparency and fosters public trust in councils. It also has administrative benefits, including reducing requests for information which are already publicly available, and allowing for greater ease of handling of the requests that are received.

The Council publishes a substantial amount of information on its website. Much of this information must be released as a statutory requirement, such as meeting agendas, minutes, consultation documents, annual reports and the Long Term Plan.

The Council has said the proactive release of information is part of its '*brand*' and it is committed to openness and transparency. It states it has a programme to release information and the website is the primary source of all Council information, supported by secondary websites as well as social media. The Council also publishes its annual Residents' Survey and the Chief Executive has started approving the release of some information that had been heard in the 'public excluded' portion of Council meetings (see [Current practices](#)).

The Council publishes information on multiple fora. Information is routinely released on its website, social media, print and broadcast media, video, livestreaming, digital screens, posters, flyers, letters, promotional booklets, and through a mobile alert application (app) called *Antenno*. The app allows the Council to contact residents about individual issues affecting their local area. I have been informed that the app has been quite popular and the uptake in Porirua has been very good.

In addition to this, the Council is now proactively releasing some responses to LGOIMA requests that are of wider public interest. It does not publish all responses. While I commend this action, the Council could consider making some improvements to its practice (see [Opportunities for Improvement](#)).

Opportunities for improvement

Internal messaging

Although approximately 80 percent of staff survey respondents said that messages¹² sent from the Chief Executive were either '*strongly*' or '*moderately*' pro-openness and public participation, there was little evidence of the Chief Executive and other senior leaders overtly championing LGOIMA or openness in specific messaging to staff.

The Council's intranet does include a page on official information, but improvements to the internal messages to staff would highlight the importance of LGOIMA. It may be advantageous for the Chief Executive and other senior leaders to use internal emails to all staff, memos, publications and other statements to bolster her obvious commitment to openness.

¹² Internal emails, memos, publications and formal or information statements.

Action point

Regular, consistent, positive messaging by senior leaders about the importance of LGOIMA and openness more generally

The Council's response

The Council said that senior managers already guide staff through the LGOIMA process and reiterate the importance of openness and transparency. The response states that the Council is in the process of developing a training programme that will include an overview of the LGOIMA process at staff induction.

My comment

While I acknowledge the Council is in the process of developing a training program, which does provide some type of messaging to staff about LGOIMA, I do not consider it adequately addresses the action point. The suggested action point specifically relates to the Chief Executive and senior managers providing messaging (in the form of emails, memos, intranet posts, briefings etc.) to staff about LGOIMA and openness. I strongly encourage the Council, specifically the Chief Executive and other senior managers, to consider how to regularly communicate the importance of LGOIMA to all staff.

External messaging

As discussed [above](#), the Council does genuinely engage with its community in a way that is tailored to the project and target audience. However, I think it could improve external messaging to tie LGOIMA into external communications and bolster the Council's commitment to openness and transparency.

A search on the website for the term 'openness' produced no results and a search for the term 'transparency' only produced one result. I believe that openness and transparency are concepts that resonate with some members of the community and it is necessary to inform the public that they are important to the Council. There is no overarching public statement of the Council's commitment to transparency and openness in strategic documents. Further, LGOIMA is not mentioned in key documents and the public is not advised that unpublished documents can be requested under LGOIMA. One way to demonstrate openness and honesty is by weaving these concepts into external messaging.

The Council publishes its annual Residents' Survey.¹³ In 2018, the survey included questions about residents' trust in council and specific questions about transparency. However, in 2019, the survey included a more generic question that did not overtly ask about transparency. I suggest the Council considers reintroducing questions in the Residents' Survey that would provide some insight into how transparent and accountable residents consider the Council to

¹³ Link to the [Council's Statistics & monitoring webpage](#)

be. This would enable the Council to continue to measure how it is doing in this area, and sends the message to the community that the Council values transparency.

Action points

Weave the concepts of openness, transparency and LGOIMA into strategic documents

Consider reintroducing transparency questions into the Residents' Survey

The Council's response

The Council said it would expressly include the concepts of openness, transparency and LGOIMA into future strategic documents. Further, it stated it is undertaking a review of the Residents' Survey because it is providing inconsistent results.

Website

As discussed [above](#), the Council's website is user friendly and the language used is plain English. The website has an official information webpage reached in one click from the home page. I consider some improvements to the Council webpage would ensure it promotes the overarching principle of availability and transparency. Information the Council should consider adding to its official information webpage includes:

- the purpose of LGOIMA and what constitutes official information;
- how an urgent request will be dealt with;
- reference to common withholding grounds and the public interest test; and
- details on complaining to the Ombudsman about a decision.

Some of the Council's policies are on the website under Welcome/Your Council/Policies and bylaws.¹⁴ However, there are no LGOIMA request or proactive release policies included on the website. I encourage the Council to consider including more internal Council policies on the website, in a place that is obvious and accessible. It is also not clear which policies it publishes and which it does not. The Council should consider openly informing the public which key documents it is not publishing, and that the public can request the information under LGOIMA.

Action points

Review the LGOIMA webpage and consider adding the information suggested in this report, such as the overarching purpose of LGOIMA; reference to the common withholding grounds; and details on how to complain to my Office

¹⁴ Link to the [Council's Policies webpage](#)

Action points

Consider publishing internal policies on the website, especially those relevant to openness and transparency

The Council's response

The Council said a review of the LGOIMA webpage is underway and likely to be completed by December 2020. In response to the first action point above, the Council states '*we will include these two processes*'.

Addressing the second action point above, the Council stated that it '*will undertake a review of internal policies that may have relevance beyond guidance to staff and consider publishing these on the website*'.

Proactive release of information

The Council has stated that the proactive release of information is part of its brand identity, along with its commitment to openness and transparency. In my survey of the public a number of respondents said they would like additional information published. Survey respondents raised three main issues. The respondents stated they would like more information on:

- projects and work programs
- rates and spending, and
- meetings and council decisions.

One survey respondent said:

In some instances it only publishes the information it wants you to see rather than the full unbridled picture....

The issue of the proactive release of information was raised in the Council's Local Government New Zealand's (LGNZ) Council Mark report,¹⁵ which states:

Residents should be presented with more information about discretionary expenditure options so that they can make more informed submissions on rates levels.

The Council has said it has a proactive release policy, but as discussed below in [Internal policies, procedures and resources](#), the policy has much scope for improvement. Furthermore, I consider any internal guidance on this topic ought to be included on the Council's website so that the public is informed on the process for publishing information.

¹⁵ Link to the [Council Mark website](#) - see p 9

If the Council is withholding or redacting information because it is being published proactively, as opposed to withholding information for a reason outlined in the Act (as part of a LGOIMA request process), deliberation of withholding such material should be completed in a two-stage process.

Consideration of releasing information in response to LGOIMA requests is distinct and separate from consideration of releasing information for proactive release. I suggest the process be completely separate, preferably completed by different staff members, using guidance that is distinct for each discrete step.

This issue is discussed in my guides titled '[Proactive release](#)' and '[Names and contact details of public sector employees](#)'. Agencies have discretion when deciding what to release proactively, subject to other legal obligations, such as those included in the Privacy Act 1993. Agencies should note that section 41 of LGOIMA (which provides protection against civil and criminal liability for releasing information in good faith in response to a request), does not apply to proactive releases.

I also urge the Council to ensure that it is clear in the response to LGOIMA requesters which material has been withheld under LGOIMA, as distinct from that of which has been redacted due to the response being published.

I suggest the Council appoint a leader in proactive disclosure, such as a senior manager who has been assigned specific strategic responsibility and executive accountability for official information practices including proactive disclosure. The commitment of a senior leader would highlight the importance of proactive disclosure of information and act as a champion in the space. Lastly, although the Council has said that it has a strategic program of release, no evidence has been provided of such, and there is no proactive release program published on the website.

Action points

Assign a senior leader with responsibility for proactive release of information

Consider a documented and published strategic program of proactive release

When proactively publishing information, ensure a decision to withhold or redact information due to it being proactively released is a separate and distinct process from consideration of withholding information under LGOIMA

The Council's response

The Council said it has a culture of openness and a practice of releasing information proactively, for instance *'most of the research foundation documents supporting the proposed District Plan are proactively released'*.

In response to the second action point above, the Council said that *'once established, the LGOIMA Champions will consider this in their work programme. We expect a review of this to be completed by mid-2021'*. In relation to the third action point above, the Council stated *'we*

have reiterated the importance of this as a two-step process ie, redactions for the requestor are a separate issue from redactions that may be considered when information is subsequently published on our website’.

My comment

While I acknowledge the Council has a culture of openness and proactive release, the first action point listed above suggests that a senior leader be assigned to this area. I consider the Council’s response does not adequately address the action point and I encourage the Council to assign a senior leader to the proactive release of information.

Decision-making authority on LGOIMA requests

The Chief Executive of a local authority is the accountable decision maker on requests for official information.¹⁶ However, for practical reasons this authority is often delegated to other staff who are sufficiently senior to take responsibility for the decisions made.

At Porirua Council, the Chief Executive makes all LGOIMA request decisions. There is currently no mention of LGOIMA in the Chief Executive Delegations document. The relevant General Manager reviews all LGOIMA responses before going to the Chief Executive for review and signing. There are six General Managers at the Council. When the Chief Executive is away, the Acting Chief Executive makes decisions on LGOIMA requests.

It is positive that the Chief Executive takes ownership of LGOIMA requests and there are some resilience arrangements in place. However, it would be preferable to have several senior staff able to make decisions on LGOIMA requests. Although it is important that decision makers are sufficiently senior to take responsibility for LGOIMA decisions, given that the Council is receiving more than a hundred requests a year there should be resilience arrangements in place.

The Council may like to consider if the current arrangement is appropriate for all LGOIMA requests or if responsibility for more straightforward requests can be delegated to senior staff members.

Action point

Consider whether to delegate some LGOIMA decision making to senior staff members

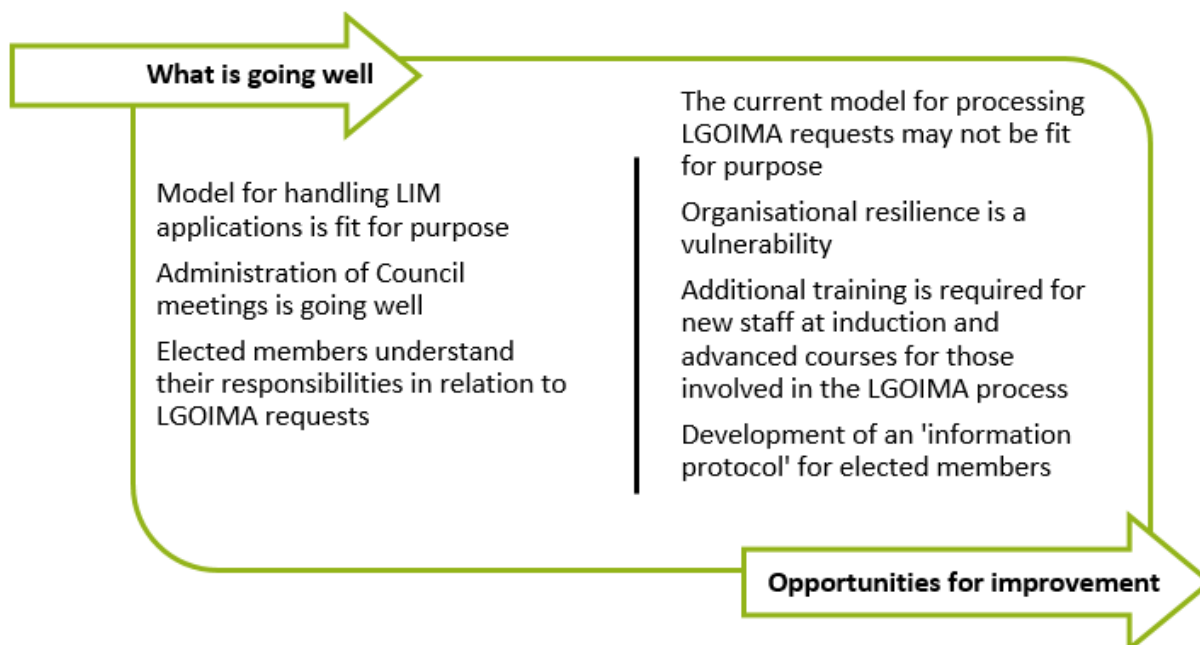
¹⁶ See s 13(5) LGOIMA 1987

The Council's response

The Council said it is reviewing its current practice to consider whether to delegate the final sign off to General Managers and to include a newly formed in-house group of technical experts (or LGOIMA champions) in the process. The response states *'the Chief Executive will identify which LGOIMA decision making she will retain'*.

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.

Aspects that are going well

Producing Land Information Memoranda (LIM) reports

The Council receives approximately 630 LIM requests a year. It has currently has one LIM Officer position and one support position (LIM processing accounts for approximately a third of the role). The LIM Officer position sits in the Records and Information team. The dedicated LIM position is a new role, the LIM Officer started in April 2019. Prior to 1 July 2019, the Building Consent Administration team completed LIM requests.

Prior to the appointment of a dedicated LIM Officer, there were some delays. The timeliness rate for the 2018-2019 financial year was 98.5 percent. The Council has not recorded the reasons for the delays, but said it was likely due to staffing constraints. Since the appointment, the Council states its processes have been streamlined.

Members of the public can submit LIM applications online or in person. If the applicant pays in person, the process can begin immediately. Staff have a 'check sheet', which is a resource to ensure all of the steps in the process are completed. If it is an urgent request, the Council offers a five-day turnaround as opposed to the standard ten-day deadline. The LIM Officer enters the information into the *Checkone* system and the system produces a report once payment is received. There is then a process of collating reports and information from several different departments.

The LIM report is saved into the records management system in the LIM folder. The Council states that all information included in the report is saved into the folder, so it is accessible.

In the staff survey about LIM requests, all respondents rated the effectiveness of their practices in compiling LIM reports as either 'very good' or 'good'. They responded that they were 'mostly confident' that all relevant information was located for the LIM reports. The specific comments received from staff in the survey indicated that, overall, the system now works well.

Administration of Council meetings

The Democratic Services team, which includes a manager and three staff members, administers Council meetings, supports elected members in relation to remuneration, and has a number of other responsibilities. The team reports to the General Manager, City Growth and Partnership. The manager has said that a significant proportion of the team's time is spent administering Council meetings.

There is an agreed annual meeting schedule so elected members and staff are all aware of when meetings are to take place throughout the year. This information is also available on the website.

The team has responsibility for compiling and distributing agendas for Council and Community Board meetings, and producing minutes of the meetings. There is a programme of work for the three months ahead broken down by committee and Council, which goes to the Executive Leadership team every fortnight. Items from the work programme cannot go onto the agenda without a written report. To support consistent and robust reports, the Council implemented the meeting management tool *Infocouncil* in mid-2018. The report writer's manager, peer reviewer, and a General Manager sign off all reports. The report is then built into the agenda, the Chief Executive conducts a final review of the agenda, and then it is released.

Council meetings are on Wednesday nights and committee meetings are on Thursday mornings. The public is able to access the agenda on the Monday before the meeting. It is available on the Council website and in the public library. Elected members have an opportunity to view the agenda before the public so they are aware of any issues in advance of any enquiries from the public.

All of the staff survey respondents said they had some training in relation to the administration of council meetings. Only one respondent said they did not receive training in relation to report writing. Approximately 50 percent of respondents said they have either one-on-one training or access to a subject matter expert for advice. One survey respondent said the *'Council induction from Democratic Services is excellent'*.

Democratic Services provided training on report writing in July 2016 and February 2018, and it is planned to take place again this year. The training covers the decision making framework of local government; the decision making structures of Council, including the use of workshops; essential elements of a quality report; and effective recommendations.

Opportunities for improvement

LGOIMA structure and organisational resilience

The Council uses a 'decentralised' model to handle LGOIMA requests and it does not have a team dedicated to the co-ordination and processing of LGOIMA requests. The functions and responsibilities associated with LGOIMA requests sit in the Chief Executive's Office. The administrative functions, such as tracking the progress of requests, sits with the Chief Executive's Executive Assistant. Each LGOIMA request is allocated to one of the Council's six work groups. Each work group has a General Manager who is involved in allocating LGOIMA requests and reviewing responses. The Executive Assistant to the General Manager is responsible for the administration of LGOIMA requests for that group. The request is allocated to a nominated lead officer in the relevant work group (usually a manager or advisor). They have responsibility for collating the information, sometimes with assistance from the Records and Information team, and drafting a response. In many cases, the lead officer may receive assistance from other officers to inform the response.

The Principal Advisor, who reports to the Chief Executive, provides strategic advice and technical guidance around LGOIMA requests. As mentioned earlier in [Leadership and culture](#), the Chief Executive is responsible for making a decision on and signing out all LGOIMA responses.

The majority of staff meeting attendees said the decentralised structure works well for the organisation size and number of LGOIMA requests it receives. However, a number of survey respondents said the Council would benefit from having a dedicated resource responsible for overseeing and advising on requests. A selection of staff comments are included below:

It may be helpful to have a dedicated role overseeing the LGOIMA process. This may happen once a current vacancy in the CE's office is filled as that position does some of that work.

Having a dedicated staff resource would be helpful.

A dedicated person who is able provide direction when answering LGOIMA requests, plus some regular training for new staff ...

A number of respondents to the staff survey expressed concern that dealing with LGOIMA requests can take away from their day-to-day work. Messaging from senior leaders about the importance of LGOIMA as discussed above under [Internal messaging](#) would help with changing this view.

When asked about the Council's capacity to handle a large influx of requests, staff had mixed views. Of those that responded to this question in the survey, 38 percent said the Council would cope and still maintain the quality of its responses, 17 percent thought not and 45 percent did not know. One survey respondent said:

We barely cope with workload and limited resources we have now. If we have an influx of OIAs and we have to drop everything then there will be some unhappy ratepayers and customers.

The Council's current LGOIMA process is quite heavily dependent on the Principal Advisor role. The lack of organisational resilience was obvious for part of the investigation period, due to the Principal Advisor role being vacant. Having a subject matter expert for LGOIMA requests is clearly beneficial for the Council, however it does create a vulnerability when the person in the role leaves or has an extended period out of the office.

When the role was vacant, some LGOIMA functions were sitting with the Communications and Marketing team. The Council was fortunate that the Principal Communications Advisor has a legal background and had worked closely with the Principal Advisor before the Principal Advisor left. This meant the Principal Communications Advisor was able to provide guidance to officers on responding to LGOIMA requests. However, the Council ought to have a LGOIMA model in place that allows for staff movement.

The vacant Principal Advisor role highlighted a lack of dedicated LGOIMA expertise within the Council. It was positive that a number of staff members in meetings said the Chief Executive has specialist knowledge in relation to LGOIMA. However, I suggest the Chief Executive and other senior leaders would benefit from receiving specialist technical advice earlier in the process. Ensuring there is sufficient LGOIMA knowledge within the Council to provide resilience when key staff are away is important for the Council to continue to meet its LGOIMA obligations.

The Council's decentralised LGOIMA model does have vulnerabilities. The Council provided a list of 49 staff members who work on LGOIMA requests. The Council said that assistance might also be sought from other staff members. While there are some benefits to having so many individuals working on these requests, there are also potential risks.

I am concerned that each staff member may only receive a few LGOIMA requests every year to process. This may make it difficult to maintain knowledge on the processing of requests, such as the application of withholding grounds and public interest considerations. For it to work well, a number of staff need to have a greater knowledge of LGOIMA. The staff that do not respond to LGOIMA requests regularly will be more reliant on good quality advice and resources to guide them.

I encourage the Council to review the current model to determine if it provides sufficient technical expertise for the staff processing LGOIMA requests. The structure should also be resilient enough to ensure technical advice is available regardless of staff movements.

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, will lift the Council's performance in this area of its work.

Action points

Review the current model for responding to LGOIMA requests to determine if there is sufficient technical advice for staff processing requests

Ensure there is sufficient knowledge of LGOIMA within the Council to provide coverage when key staff are away

The Council's response

In response to my provisional opinion, the Council said:

We will review and make changes as required including establishing the LGOIMA Champions from among our current staff ... to give robustness to the LGOIMA process.

Formalised and regular LGOIMA training

The *Not a Game of Hide and Seek* investigation outlined that an effective training framework should encompass:¹⁷

- 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.

In the last two years, the Council has provided the following training in responding to LGOIMA requests:

- April 2018 – a speaker from my Office conducted a workshop that was widely attended.

¹⁷ Link to [Not a Game of Hide and Seek](#) (December 2015): 65.

- Late 2018 to early 2019 – the Chief Executive’s Principal Advisor ran internal sessions about publishing LGOIMA responses. All Executive Assistants, the Records Team Leader and key Communications staff attended these sessions.

A number of staff said in meetings that LGOIMA is ‘*touched on*’ in induction training for new staff. One area for improvement is to ensure there is more than just a brief discussion of LGOIMA for all new staff in their induction. LGOIMA is a key piece of legislation in the operation of local government and all staff need to be aware that any request for information they receive is subject to the requirements of LGOIMA, and how to respond to, or refer on, a request. LGOIMA induction also training highlights the importance of everybody’s role in creating and storing documents in a manner that facilitates retrieval.

I would strongly suggest advanced courses for those who are involved in the decision making process, even if they may not have a delegation to sign out the request. It is especially important for this Council, as it is not standard practice to seek in-house legal advice on more complex cases. I encourage the Council to develop and introduce formalised training delivered to all senior leaders on a regular basis. It would send a clear message that senior leaders are committed to the principles and purposes of the Act, and will more adequately equip them to apply LGOIMA provisions appropriately (including the public interest test).

While I appreciate that many senior leaders may have experience and 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 that may be passed on to other staff and embedded into practice. The benefits of requiring regular training for senior leaders involved in decision making include:

- demonstrating leadership from the top that responding to LGOIMA requests is core business and should be prioritised;
- testing officials’ understanding and knowledge;
- promoting efficiencies and consistencies in decision making; and
- demonstrating commitment to support and grow the professional development of staff.

Those processing LGOIMA requests are currently not provided with specialised ‘in depth’ training and there is no training provided to any staff on the substantive LGOIMA withholding grounds. The Council needs to remedy this lack of training.

As I discuss further in [Current practices](#), it is important that the Communications and Marketing team and Customer Services teams receive targeted training to ensure they are aware of their obligations under LGOIMA when responding to information requests from the media and from the public.

Action points

Include a more detailed overview of LGOIMA to all new staff as part of induction training

Action points

Develop an advanced training course for those involved in the LGOIMA process, including the Communications and Marketing team, Customer Services team and senior leaders

The Council's response

In response to my provisional opinion, the Council said:

Our plan is to provide this training for all the groups listed, but also to identify a smaller group to be trained as technical experts in LGOIMA. We have approached the Strategic Advice Team in the Ombudsman's office for training ...

Elected member protocol

As detailed earlier, the Chief Executive is the decision maker on LGOIMA requests. Under certain circumstances, it may be necessary to notify an elected member or members of a proposed response for example, if the information requested pertains to that member. It may also be appropriate to consult with an elected member before a decision is made. However, responsibility for making the final decision on a LGOIMA response remains with the Chief Executive.

Based on conversations with staff and the Chief Executive, and on feedback from elected members through an online survey, I am satisfied that elected members understand their obligations in relation to LGOIMA requests. However, it may be beneficial for the Council to develop an 'information protocol' for elected members, which could include guidance on:

- access to Council information, for instance the ability of an elected member to make a LGOIMA request and how the organisation approaches requests for information from elected members;
- requests in respect of which elected member consultation before the decision and/or notification of the request is appropriate, and how that will be carried out;
- the fact that information held by elected members, in their official capacity, is information 'held' by a Council and therefore covered by LGOIMA.

Action point

Consider developing an 'information protocol' for elected members, which outlines how LGOIMA applies to them

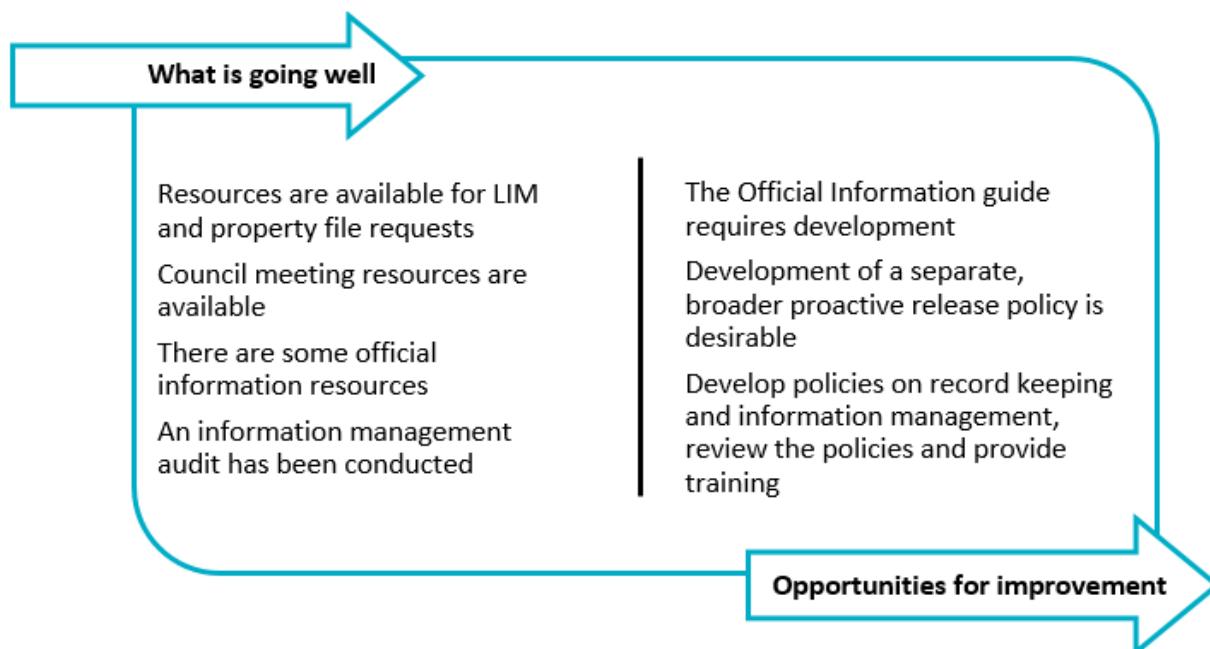
The Council's response

The Council commented that:

The Council will develop an information protocol for elected members outlining how LGOIMA applies to them... We will note to remind elected members at regular intervals of their obligations under LGOIMA.

Internal policies, procedures and resources

At a glance



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

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

To assess the Council's internal policies, procedures and resources, I considered whether it had accurate, comprehensive, user-friendly and accessible guidance, which enables staff to comply with the Act's principles, purposes and statutory requirements. This includes policies, procedures and resources in relation to:

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

Aspects that are going well

Resources for LIM requests

The Council has resources for processing LIM and property file requests including a LIM check sheet, a comprehensive LIM process document and a property file request process document.

The two-page LIM check sheet is user friendly and ensures all relevant information has been obtained from the various business units. Information obtained from meetings with staff and the staff survey indicates that staff use the check sheet regularly. All survey respondents said the most useful LIM resource is the check sheet.

There are step-by-step operational instructions for LIM processing which include directions on how to use the system, what steps need to happen and where to check that all the necessary information has been obtained. Overall, the resources available support staff in order to process LIM reports in a timely fashion. They are generally comprehensive and user-friendly for standard LIM requests.

Council meeting resources

The key resources for the Governance team in administering meetings are the Standing Orders and a staff protocol for Council and Committee meetings. The Council implemented the meeting management tool Infocouncil in mid-2018 to support report writing.

The Standing Orders are published on the Council's website¹⁸ and include all the meeting requirements from LGOIMA and Schedule 7 of the Local Government Act 2002.

The staff protocol for Council and Committee meetings states that the purpose is to '*enable local authorities to exercise their decision making responsibly in a transparent, inclusive and lawful manner*'. The protocol is fairly brief, but written in plain English and user friendly. There is a version history included, and I suggest the Council update the protocol as the last revision was in February 2017. When the Council updates the protocol, it may like to consider including information regarding LGOIMA in the relevant parts. For instance, in the section on Public Excluded Business, it should be explicit that the public can request confidential minutes from a public excluded session under LGOIMA and they could not be automatically withheld.

As discussed in [Administration of Council meetings](#), the Council uses the specialised software programme Infocouncil to produce its agendas, the reports associated with each agenda item and the minutes for all Council and committee meetings. Infocouncil contains report templates. If there is a recommendation that the public be excluded for that item, Infocouncil will prompt the report writer to decide which LGOIMA provision applies.

¹⁸ Link to the [Council's Attending a meeting webpage](#)

Official Information resources

The Council's key resources to assist staff in responding to LGOIMA requests are LGOIMA template letters and a guidance document.

The Council has a suite of template LGOIMA response letters tailored to different scenarios, which aid staff in compiling responses in a timely fashion. Once a request is logged into the system, a template letter is automatically generated. They include letters to acknowledge, clarify, charge, decline, extend, respond, transfer and extend the time limit. Where appropriate (for instance, if information is withheld) the letters advise requesters that they have a right to seek a review from the Ombudsman and provide the relevant contact details.

The template letters appear to be sound and mostly fit for purpose. Although, as discussed in [Current practices](#), they are somewhat inconsistently used. Some improvements are possible, particularly in relation to the recording of public interest considerations (see [Opportunities for improvement](#)).

The Council also has a guidance document that sets out the policy and process for handling requests for official information. The document is available to staff on the intranet. Of those who responded to the staff survey, 45 percent said it was 'very easy' or 'somewhat easy' to use the official information guidance material; 77 percent said there were no other resources that would assist them in handling LGOIMA requests.

The guidance states that staff should respond as quickly as possible to LGOIMA requests, and not wait until the end of the statutory timeframes. It also states that those responding to requests should not be *'prescriptively literal in your interpretation of the request. If you can provide additional helpful information this should be considered'*. It states that it can be beneficial to contact a requester to better understand what they want. The guidance also identifies ways to manage a broad request, stating *'invite the requester to reconsider or refine their request. Have in mind some potential strategies for refining or redirecting the request...'* As discussed below in [Opportunities for improvement](#), there is some scope to develop the guidance document, in particular, further detail on applying withholding grounds and public interest considerations.

Information management audit

The Council has recently conducted an internal review to understand what information and records it holds, and improvements it might need to make in order to meet both business and legislative requirements. The audit report states that the review has provided a foundation for further work to *'ensure Council achieves the minimum level of compliance as set out in the Information and Records Management Standard, a mandatory standard issued under the Public Records Act 2005'*.

It is encouraging that the Council has proactively undertaken this work. It is fundamentally important that councils have adequate information management and record keeping practices in order to ensure all information requested under LGOIMA is able to be identified and collated.

The review was conducted between January and February 2020 by staff survey and an assessment of policies and procedures relating to information management. A sample number of staff members from across the Council answered a series of questions to gather feedback on the Council's systems and processes for managing information, the methods for holding it, accessibility, and policies and procedures.

The review observed a number of findings that are consistent with those identified in my investigation. As discussed in the [Current practices](#) section, one issue is that information is stored in a number of repositories. When information is saved across multiple systems, it may be difficult to retrieve if requested under LGOIMA. As outlined in [Opportunities for improvement](#), the Council's audit review also found there is currently no strategy in place to set clear expectations around information and records management.

Opportunities for improvement

Official information guide

Some areas of the existing guidance for staff on processing LGOIMA requests could be further developed. I consider the guidance to be lacking in crucial aspects of the LGOIMA process. Referring to the following key components of the LGOIMA process would improve the guidance:

- Identifying the type of official information request received (Part 2, 3, 4 or 6 of LGOIMA) and distinguishing from the Privacy Act.
- When a request should be logged in the Council's information systems and how.
- Who is responsible for making the decision on the request.
- Who is responsible for searching for or gathering information requested (setting out how the work on responding to a request is distributed).
- How to apply withholding provisions and the public interest assessment.¹⁹
- Protection for release of official information in good faith (section 41 of LGOIMA).
- Third party consultation, transfers and extensions.²⁰
- Peer review process – when this is required and by whom.
- Record-keeping in relation to an individual request – the records that should be kept about the searching and collation, information at issue, consultation, charging, decision making, and what information was released.

The guidance has very little information on weighing the public interest if information is withheld under section 7 of LGOIMA. It does state that reasons from requesters for making a LGOIMA request can be helpful in '*weighing competing public interests...*', but there is no detail

¹⁹ Link to the Office of the Ombudsman's [Public interest guide](#)

²⁰ Links to the Office of the Ombudsman's [Consulting third parties guide](#) and [LGOIMA guide](#)

on what is required to do so, or how to record such considerations. I consider it imperative to provide adequate guidance to staff on the provisions under LGOIMA. Full and robust written guidance is particularly important when operating under the decentralised model, where staff may process few LGOIMA requests per year.

As mentioned in [Leadership and culture](#), I also urge the Council to consider publishing its internal policies, especially those relating to openness and transparency such as the LGOIMA policy, any proactive release policy, record keeping policies and charging policy.

Action point

Update the official information guide and consider publishing it on the website

Consider including more detail in the guide, in particular about the application of the withholding grounds, weighing public interest considerations and recording any deliberations

The Council's response

The Council said it is currently reviewing and updating the guide. Once it has completed the review it will be published on the website.

Withholding officials' names

During the investigation period, the Council's official information guide stated '*we normally withhold the names and contact details of junior staff from the Council and other organisations*'.

As outlined in my guide titled '*Names and contact details of public sector employees*',²¹ there is usually no basis under LGOIMA for withholding staff names, if all that would be revealed is what they did in their official capacity. However, withholding staff names may be justified where the withholding grounds relating to safety and improper pressure or harassment are properly engaged.

While the Council's guidance did not state there was a 'blanket rule' of withholding staff names, it did state that junior staff names and contact details would '*normally*' be withheld. In all cases, agencies must start from the presumption that staff names will be released if they appear in information requested under LGOIMA, unless there is good reason under LGOIMA to withhold that information. The fact that an employee is in a junior or administrative role is not, on its own, sufficient justification for withholding their name. A standard non-disclosure of employee names below a certain level of seniority cannot be justified under LGOIMA. An agency may be of the view that names of junior or administrative staff do not need to be disclosed because those names are 'incidental' to the request. However, in the absence of

²¹ Link to the Office of the Ombudsman's [Names and contact details of public sector employees guide](#)

confirming with the requester that they do not seek this information, those names do fall within the scope of the request and cannot be redacted as a matter of policy or ‘rule of thumb’ unless there is good reason under the LGOIMA in the particular circumstances to withhold them.

I am pleased the Council has confirmed that it has stopped the practice of normally withholding junior staff names. In addition, the Council has amended its LGOIMA guidance to state *‘names of staff will not be withheld unless there is good reason to withhold’*.

Development of a proactive release policy

The Council proactively releases a range of information. Much of this information must be released as a statutory requirement under the Local Government Act, such as the Long Term Plan, minutes of Council meetings, annual reports, and consultation documents. In some areas, the Council goes beyond the legal requirements. For example, it publishes some of its responses to LGOIMA requests, which I consider a commendable practice.

Currently, the Council includes guidance on when to publish LGOIMA responses in its guide to processing official information requests. However, it may wish to consider developing a broader policy that covers all areas of its proactive disclosure of information.

As it stands, the Council lacks a clear policy to support its practice and, crucially, to promote accountability and consistency in the proactive release of information. As discussed earlier, the Council states that it is very proactive in releasing information to the public and sees it as part of its brand. A policy for the proactive release of information would facilitate a consistent approach between business units, and help to manage the risks around releasing private or confidential information, commercially sensitive information, and information subject to third party copyright.

As mentioned above, I issued a [guide](#) on proactive release in June 2020. This guide lists what should be included in a proactive release policy.

Action point

Prioritise the development of a proactive release policy with accountability for its delivery assigned to a senior leader

The Council’s response

In response to my provisional opinion, the Council said that once the LGOIMA Champions are established, it will consider the development of a proactive release policy.

LGOIMA template letters

The Council's template LGOIMA response letters contain very little wording relating to consideration of the public interest, where this is applicable. The 'final response letter' states:

*[Use if refusing the request in full]: We decline to make the information requested available on the grounds set out in [detail relevant section(s) of LGOIMA].
Withholding the information is necessary to [it is very important to describe the reasons - such as relevant harm, consideration of the public interest in release, etc as applicable, or reasons why the information requested does not exist or is not accessible by the Council].*

It is encouraging that the Council includes some details that assure requesters that any countervailing public interest factors have been considered where information has been withheld under section 7 of LGOIMA. However, I am concerned that the weighing of public interest considerations is not included in the template letter for partial refusal and there is little detail of the types of factors decision makers should be considering.

The Council's template letters may be further enhanced by including a section that outlines which specific public interest factors have been considered (for example, accountability, transparency and/or public participation). It is important to include this information in the template letters as both information for requesters, and to serve as a prompt to staff to ensure due consideration of public interest factors has taken place.

Action point

Consider amending template letters to include specific consideration of the public interest, where applicable

The Council's response

The Council said that the template letters will be reviewed and updated accordingly. It also will form part of staff training.

Record keeping and information management resources

My investigation has identified record keeping and information management as two key issues that the Council faces. Record keeping relates to controlling and managing records from creation, capture, maintenance and use through to eventual disposal. Information management is a broader concept, relating to the creation of information, some of which are records.

One of my investigation's [key indicators](#) is that agencies have 'appropriate record keeping and information management policies, procedures and resources'. As discussed below in [Current](#)

[practices](#), staff comments from the surveys and the meetings with my investigators indicate that record keeping and information management is a significant concern for the Council.

The Council's intranet has some guidance for staff on records and information, including documents and emails staff should keep, naming convention guidelines, links to archive standards, and contact details for the Records and Information team. The Council also has an overarching information management policy that it last updated in August 2009. The two-page policy provides high-level guiding principles, and states that procedure manuals should be used in conjunction with the policy document. However, there do not currently appear to be any procedure manuals.

The Council has stated it is currently finalising a draft Information and Records Management Policy. It has undergone a detailed audit of its information management systems, as discussed above in [Information management audit](#). The Council's internal audit recommended reviewing the intranet resources to ensure they are up-to-date and include links to all key records stored in the records management system DAISY. It also recommended reviewing information and records management policies and processes to ensure expected guidance is in place. The Council has agreed to draft a strategy and supporting policy, which is expected to be finalised by late 2020.

My investigation has also identified the Council's resources in this area to be lacking. It is positive the Council is developing a policy, which will go some way to ensuring that it complies with the Public Records Act. As outlined in [Appendix 2: Internal policies, procedures and resources](#), the Council should ensure any policies and procedures cover aspects such as:

- creating, organising, maintaining and storing records;
- managing and modifying records and 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; and
- the provision of secure audit trails and annual/periodic audits of records.

The Council should also ensure that policies and procedures are regularly reviewed, are up-to-date and easily accessible to staff.

In addition to developing guidance documents, the Council ought to consider strengthening its training in relation to record keeping and information management. Of the staff surveyed, 40 percent said they would like more training in this area. Currently, the Council states it delivers ad hoc training, but it should consider providing regular training on information management and record keeping that is role-specific and includes guidance on information retrieval as well as information storage.

Action point

Develop written policies on information management and record keeping

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

Develop and implement more detailed, regular training for staff on record keeping and information management

The Council's response

In relation to the three action points listed above, the Council said it has already identified these weaknesses internally and work is underway to implement supporting policy, processes and training as part of its Information Strategy.

LGOIMA in other policy and procedure documents

The Council receives information requests from many different avenues. There are information requests from the public, media requests, LIM requests and requests from elected members. I encourage all councils to be mindful that all requests for information, from whatever source, are governed by LGOIMA. One way to ensure consistency between different requests, and to ensure guidance and policy documents are consistent, is to weave LGOIMA requirements into all relevant resources.

There is a clear overlap between LGOIMA official information practice and better public engagement. It would be beneficial for the Council to ensure that LGOIMA requirements are included in its communication and engagement plans. The Council has a very detailed Digital Strategy, as outlined in the [Leadership and culture](#) section. I think the document would be improved by mentioning that all requests for information, whether received by social media or not, are requests under the Act. Furthermore, if information is not already provided to the public, they can make an official information request, and if they do not receive the information they are seeking through that channel they can complain to the Ombudsman.

Likewise, the Council's media policy, information request policy and LIM request guidance ought to all be updated to reflect that LGOIMA applies to a request for *any* information held, even though not all information will necessarily be logged as a LGOIMA request (see [Current practices](#)).

Action point

Update relevant policy, procedure and guidance documents to ensure compliance with LGOIMA requirements, for instance if information is not provided, a requester can complain to my Office

The Council's response

The Council said it will review the documents and update.

LGOIMA champion or buddy system

Another potential resource for staff could be a LGOIMA champion or buddy system, which would identify where LGOIMA subject matter experts sit within the Council. This system could work well for this Council because, as discussed in [Organisation structure, staffing and capability](#), it does not have a LGOIMA team.

A buddy or champion system may be currently occurring in an informal sense. Of those who responded to the staff survey, 36 percent said there were official information buddies or champions available as a resource. One survey respondent said:

While there are no official buddies or champions there are people within the organisation who I know have experience and can seek guidance from.

I strongly urge the Council to formalise this tool and to make LGOIMA buddies or champions identifiable to all staff. This system has the potential to add to the quality of LGOIMA responses and build resilience within the Council.

Action point

Consider developing a LGOIMA champion or buddy system and ensure they are identifiable to all staff

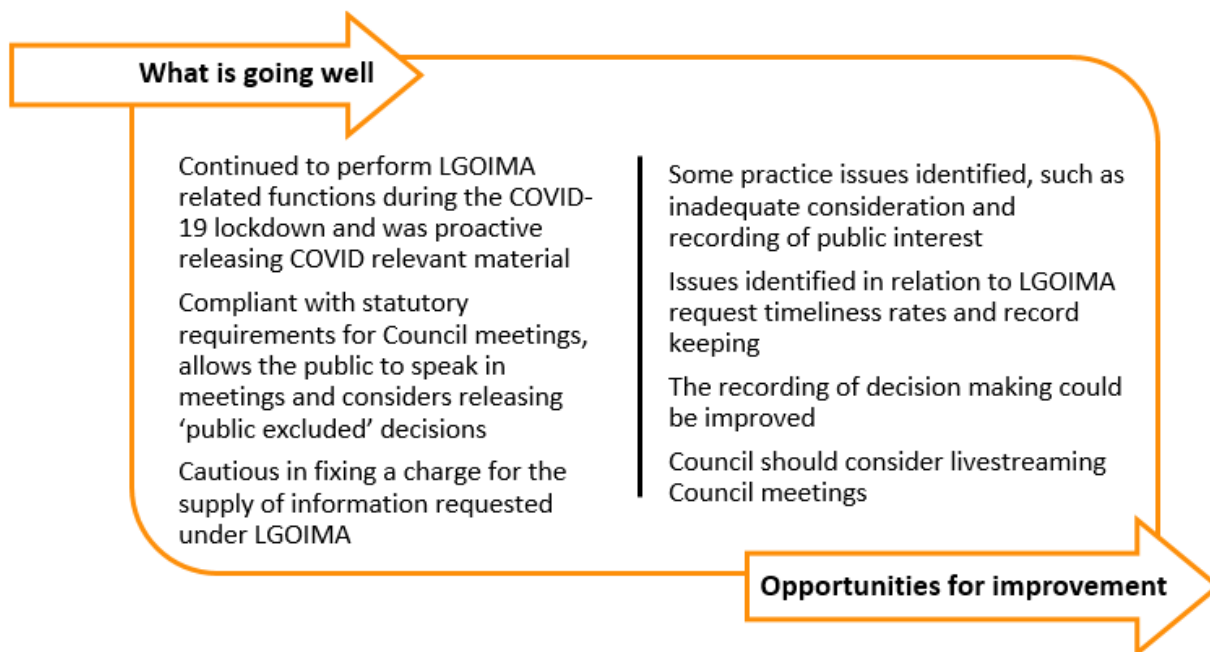
The Council's response

In response to my provisional opinion, the Council said:

As previously noted we plan to train a group of staff as technical LGOIMA experts who will be identified to the organisation as available for support and advice.

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 use the resources available to them to best effect. To assess the current practices of the Council I considered whether:

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

Aspects that are going well

Responding to LGOIMA requests and publishing information during the COVID-19 pandemic

During the COVID-19 pandemic, LGOIMA is a primary means of accountability at a time when other transparency measures may not be available to the public.

The Council received 16 LGOIMA requests between 24 March and 18 May 2020. Fourteen of these requests were from the media. The Council states that it has received more LGOIMA requests this year than the same period last year. Last year for the same period, the Council

received five requests. The Council states that most business units tasked to work on LGOIMA requests reported no issues with responding to requests. One staff member said:

There was a slight delay with one of our responses due within the first week of the COVID-19 Level 4 lockdown. We kept in close contact with the requestor and met an amended deadline.

The Council stated that some of the staff members assigned to work on LGOIMA requests reported either minor or no delays and there were no backlogs accrued. However, the Council has also said that three LGOIMA responses were overdue. As discussed in [Opportunities for improvement](#), I strongly encourage the Council to take steps to improve its timeliness in general.

The Council has said that throughout the pandemic it proactively released information on its response to COVID-19. For instance, it published:

- 26 news releases and paid advertisements in print media and radio;
- the establishment of a dedicated COVID-19 webpage for Porirua updates;
- more than 220 Facebook posts, posts to other social media platforms and discussions on community groups;
- responses to 173 people with queries through the Facebook inbox and direct messages to residents through the Antenno app;
- radio slots for the Mayor and Deputy Mayor to release information;
- letters to stakeholders on specific areas of interest;
- videos produced internally to share information.

It is commendable that the Council was able to continue to perform its LGOIMA-related functions during this challenging time and was proactive in its release of relevant material to the public.

Council meetings and workshops

The Council demonstrated it is compliant with statutory requirements for public notification of meetings, publication of agendas, and issuing minutes. The Council allows the public to speak in meetings, and considers information relating to 'public excluded' decisions for future release.

As outlined in the section [Administration of Council meetings](#), agendas are published within the statutory timeframe of two working days prior to the relevant meeting. The Council's standard practice is to have the agendas available to the public by the Monday prior to a Wednesday Council meeting. The Council publishes the agenda on its website and has hard copies available in the library. Elected members receive the agenda prior to publication.

I am pleased the Council allows time in meetings for the public to participate. The Council's website states there are different ways for the public to be involved in different types of

meetings. At full council or committee meetings, the public can speak about any item on that meeting's agenda, but they need to arrange this at least one day before the meeting.

The Executive Leadership team has agreed to update the 'public excluded' section of the meeting agenda and minutes template to determine if and when decisions made in the public excluded session can be released to the public. The Council states that it has developed a public excluded register to record all public excluded decisions and review whether the decisions can be published at a later date. The Council has advised that, as yet, there are no public excluded items included on the register. I commend the Council for this initiative, which if successfully executed, will ensure as much information as possible is released to the public.

The Council holds regular workshops for Councillors to learn about and discuss issues in a '*less structured environment than a formal meeting*'.²² It is positive the Council's website states '*no decisions are made at workshops*'. The Council states that Councillors are reminded by the Chair, and if necessary staff, that decisions cannot be made at a workshop. However, because workshops are not forums for decision making, LGOIMA meeting provisions do not apply. Formal minutes are not taken at workshops, but workshop notes are taken and a formal record is kept. As outlined below under [Opportunities for improvement](#), some improvements are possible, in particular, informing staff and the public that workshop records can be requested under LGOIMA.

Charging

As outlined in my [guide](#), it is not generally reasonable to charge requesters for simple LGOIMA requests. However, it may be reasonable to recover some of the costs associated with requests for information that would require considerable labour and materials.

I met with the Chief Executive in the course of my investigation, and she said that she is reluctant to charge for LGOIMA requests. A number of other staff meeting attendees confirmed the Chief Executive's position. One staff meeting attendee said it is the Chief Executive's view that '*everyone is entitled to get the information*'.

It is appropriate for the Council to be cautious and considered in its approach to fixing a charge for the supply of information requested under LGOIMA. However, where a request is so considerable that it would require '*substantial collation or research*' to make the information available, agencies are expressly required to consider whether charging would enable the request to be met.²³ This could be reflected in relevant guidance.

In the financial year reviewed, 1 July 2018 to 31 June 2019, the Council charged a requester on one occasion. However, I also note that no requests were refused in full. One staff meeting attendee said that in the previous four months, the Council had received several requests that were '*huge*'. They used an external contractor to collate the information and calculate the approximate time and cost to provide the documentation to the requester. She said that overall the process worked '*pretty well*', the Council charges when they receive '*big spikes*' in

²² Link to the [Council's Attending a meeting webpage](#)

²³ See s 17(f) and 17A(1)(a) LGOIMA 1987

requests for information and while it is not a typical or normal process, it does occur occasionally.

One senior leader considered that charging should be used more frequently in cases that require *'an awful lot of work'*. However, he acknowledged that the Chief Executive is *'very strong on openness and transparency'* and charging is the exception. He said that he could not recall an occasion where they denied a request without the offer of a charge, but he considered the threshold for charging should be lower than it currently is.

I think the Council has balanced the Chief Executive's wish to provide information to the public without charge, with the practicalities of providing large amounts of information to requesters. What is *'considerable'*, in terms of the labour and materials required, will depend on the circumstances of the case, including the size of the agency and the resources available to deal with the request.

Opportunities for improvement

Official information practices

As set out above, in many ways the Council is very open. It has an open Chief Executive, proactively releases some information, considers openness to be a key part of its identity, seeks to build trust when engaging with the community and values diverse voices. The Council also releases the majority of information requested under LGOIMA in full. In the 2018-2019 financial year, the Council states that it granted 118 LGOIMA requests in full and 20 in part. It refused no requests in full.

To gain an understanding of how the Council processes requests, my investigators reviewed a random selection of LGOIMA request files. While it is pleasing that the Council has a suite of template letters that are mostly consistent with best practice, I have identified several areas of LGOIMA practice that require improvement. These include:

- More consideration may need to be given to the public interest in making information available when withholding information under section 7 of LGOIMA and this ought to be recorded on the relevant file.
- There was no record saved of internal decision making deliberations.
- There was an instance where some information was not collated as part of responding to a request as it was assumed it would be withheld.
- In one instance, the 20-day timeframe was exceeded by 21 days because the original request was overlooked for 29 days. There was no record of an extension being sought, with an explanation only included in the final response letter. I note there was no apology in that letter.
- In one instance, the LGOIMA response did not include information about the requester's right to complain to the Ombudsman, contrary to section 18(b) of LGOIMA.

- There was no record of the search for documents.
- Emails and records were not kept of discussions with requesters regarding scoping or refining LGOIMA requests.

It is concerning that key elements of decision making were not recorded on LGOIMA requests. It is important for the Council to keep records of the process of decision making on LGOIMA requests for a number of reasons. These include providing the reasons for refusing a LGOIMA request to a requester if they seek them; to make it easier to respond my Office in the event of an investigation of a complaint; and to create a repository of knowledge about decision making to ensure a consistent approach.

It is for the Council to determine the best method to ensure its decision making is recorded appropriately. However, I suggest any record is saved in the central database system so it can be easily accessed.

As a result of these issues, I have identified some inconsistency of practice. I consider improved training and guidance, access to specialist LGOIMA advice and quality assurance processes would help mitigate any inconsistencies or gaps in practice.

Action points

Ensure LGOIMA decision makers consider the public interest test where applicable

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

Record administrative steps taken in respect to LGOIMA responses where relevant, such as a record of the search for documents

The Council's response

In response to the three action points above, the Council said it would reinforce to officers to consider the public interest test where applicable. The response states that the Council will include instruction to officers to ensure they are recording the reasoning behind LGOIMA decisions and the administrative steps taken to respond to LGOIMA requests.

LGOIMA timeliness

For the period 1 July 2018 to 30 June 2019, the Council received 138 LGOIMA requests and completed 108 of those requests within the statutory timeframe (decision made and communicated or extended within 20 working days). Therefore, during the period reviewed, the Council had a 78 percent timeliness rate. This timeliness rate is the lowest of all of the Councils I have investigated so far. The table below shows the timeliness percentage of the other councils I have investigated thus far for comparison:

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	88
Tasman District Council	1 July 2017 - 30 June 2018	83

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

1. the complexity and broad scope of the request;
2. difficulties locating or collating the information;
3. waiting to receive advice or documents from different sections of the Council; and
4. factors external to the individual request (for example high number of requests, resource constraints).

The Council has taken some steps to improve its timeliness rates. In July 2019, the Council implemented an automated email reminder system that alerts relevant staff members at the 10 day, 15 day and 20 day mark. Staff reported at meetings that the email alert system is helping staff be more aware of timeframes and improving timeliness.

When asked in the staff survey how the Council's systems for processing LGOIMA requests affects its ability to meet timeliness obligations, 60 percent of respondents said that their systems '*mostly enable timeliness*' and 25 percent said they did not know.

The majority of respondents (58 percent) rated the Council's current LGOIMA escalation processes as '*very good*', '*good*' or '*acceptable*' and 37 percent did not know.

The Council provided further statistics for the six months following the implementation of the automated email reminder system. During the period 1 July to 31 December 2019, 104 requests were received and approximately 85 percent were completed within the statutory time. Therefore, post implementation of the email reminder system, the timeliness rate has improved somewhat.

While this improvement is promising, the Council can take further steps to improve its performance in relation to meeting statutory timeframes. The implementation of the automated email reminder system has encouraged individuals to reprioritise work in order to achieve deadlines. Internal messaging from senior leadership reinforcing to staff that responding to LGOIMA is core business would further support meeting statutory timeframes (see [Leadership and culture](#)).

The difficulties with locating and collating information will not be fixed quickly, but the recent information audit and longer-term information management and record keeping projects should contribute to improvements in this area (as discussed under [Record keeping](#)).

Staff noted in survey responses that the lack of a dedicated LGOIMA position might 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 devolved with a lack of staff with specialist knowledge. If there was a major influx of LGOIMA requests, the Council might struggle to cope without a resilience plan. Having additional LGOIMA resources for requests would help, as well as investing in LGOIMA training.

Council meetings

During the COVID-19 lockdown period, the Government made a number of temporary amendments to the Local Government Act 2002 and LGOIMA. The changes relevant to Council meetings included amendments to:

- allow councils to hold online meetings and waive the requirement for physical presence to make up a quorum;²⁴
- require recordings (video or audio) to be available to the public via livestream and to be uploaded to the internet site post meeting to enable access by the public;²⁵
- require minutes, agendas and reports to be available on the Council website free of charge (as opposed to in public libraries or council offices). Hardcopies must still be available by post if required.²⁶

During COVID-19 alert levels 3 and 4, the Council held meetings and workshops live streamed by online video conferencing, as per section 47A of LGOIMA.²⁷ The Council has made the video recording of all video conferenced meetings available on its website.²⁸ The process ceased on Thursday 14 May 2020, when meetings resumed in the Council Chambers.

The Council states that it is *'unable to hold Zoom meetings or webcast when meetings are held in the Chamber as we currently don't have the necessary technology'*. Upgrading the technology is something the Chief Executive is exploring. I strongly encourage the Council to continue recording meetings even 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. The added benefit of livestreaming (as well as recording) is that it ensures an accurate record of the public portion of the meeting is immediately available. Several public

²⁴ See clause 25B, Schedule 7 LGA 2002

²⁵ See s 47A LGOIMA 1987

²⁶ Section 46B amends 46A and see also s 51AA LGOIMA 1987

²⁷ Link to [s 47A LGOIMA \(Modifications\)](#)

²⁸ Link to the [Council's Council and committee meetings online webpage](#)

survey respondents said they thought live streaming Council meetings would aid transparency. One survey respondent said:

...I would like to see live streaming of meetings and also those videos left online for looking at later if so desired...

Another area for potential improvement is in relation to the records kept of Council meetings. Currently, the minutes keep a record of the Council decision and, if required, an additional secretarial note is kept. I urge the Council to consider ways to improve its meeting minutes to promote transparency. For instance, the Council minutes at Wellington City Council record the names of Councillors voting for or against each resolution (a division is called for each motion). Napier City Council keeps a record of public submissions and discussions that take place in Council meetings. The indicators in [Appendix 2: Current practices](#) list what should be included in comprehensive meeting minutes.

Action points

Consider livestreaming and recording Council meetings

Consider ways to improve meeting minutes to promote transparency

The Council's response

The Council said it is currently undertaking work to enable livestreaming of meetings. It is anticipating the first livestreamed meeting will be in December 2020.

In addressing the second action point above, the Council has outlined the steps it takes to ensure transparency in relation to meeting minutes. For instance, meeting minutes are available on the Council's website within 24-48 hours of a meeting; minutes are taken in accordance with Council's standing orders and the Local Government Act; and secretarial notes are used to explain changes between Officer recommendations and decisions. The response states:

It is not anticipated that any change will be made to the way in which Minutes are taken.

My comment

I acknowledge the Council's meeting minutes meet statutory requirements, and it is positive that minutes are available on the website as soon as 24-48 hours after a meeting. However, I consider it is still possible for some improvements to current practice, to further enhance the Council's practice in this area.

Workshops

Council meetings are open to the public by default (section 47 of LGOIMA refers), and the perceived need to protect the future supply of free and frank expressions of opinion is by itself not sufficient grounds to exclude the public (section 48(1)(a)(i) of LGOIMA refers). Parliament has clearly signalled that elected members are expected to debate matters in the open parts of meetings of the Committee of the Whole. Many councils also hold workshops or briefings, where the intention is for officials to convey necessary information to Councillors.

The Council does not currently open workshops to the public. While it is not a requirement that workshops are open to the public because they are not decision-making forums, some councils do allow the public to attend workshops. I encourage the Council to consider the feasibility of opening workshops to the community to attend.

To avoid the perception that elected members may be deliberating on issues behind closed doors and to ensure that information gathering does not stray into decision making, local authorities should take care to record what occurred in any workshop or briefing. This will provide an assurance that the Council is conducting its business in an open and transparent manner.

The Council has stated that it does keep workshop notes. However, I am concerned the Council's website states that the '*the public aren't notified or given access to the agendas or minutes from these workshops*'. The Council should update the website to advise the public that they are able to request this information under LGOIMA.

Action points

Amend website to state that the public can request workshop meeting notes under LGOIMA

The Council's response

The Council said it will consider how best to incorporate this information on the website.

Application of LGOIMA to all media and information requests

The Council has a Communications and Marketing team that responds as quickly as possible to queries from the media via social media, telephone, the website and other channels. When the media and public specifically request information under LGOIMA, the process is to forward the request to the Records and Information team to log. It then goes to the Executive Assistant to the Chief Executive, who allocates the request to the relevant business group to lead the response.

I understand the need for a mechanism to swiftly process requests according to the demands of the 24-hour news cycle. However, the Council must be mindful that any requests for information from the media (as opposed to requests for comment) are governed by LGOIMA.

This makes little practical difference when the Communications and Marketing team is able to provide the information requested immediately, but if not, it is essential LGOIMA is complied with in all respects.

In particular, if an information request from the media is declined in full or in part, it must be communicated in accordance with section 18 of LGOIMA, which requires that a Council:

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

This is also the case for information requests received through other pathways. The Council has a Customer Services team that deals with requests for information from the public. I note that customer experience at the Council is generally very good; it was ranked fourth by the Association of Local Government Information Management (ALGIM).²⁹ I understand that straightforward requests for information may be handled outside the ‘formal’ LGOIMA process, while those identified as LGOIMA requests are forwarded to the Records and Information team for logging. However, because there is little training and guidance on how to identify LGOIMA requests, I cannot be confident that requests are always correctly identified, or handled in accordance with the above requirements.

I stress that I am not suggesting every information request be funnelled through a formal LGOIMA process, but the Council should ensure that all information requests are handled in accordance with the provisions of LGOIMA. This can be achieved by providing specific guidelines and training to the Communications and Marketing team and all customer-facing staff on how to recognise an information request, and their obligations under LGOIMA when responding. Training is discussed further under [Formalised and regular LGOIMA training](#).

Action point

Ensure that all information requests are handled in accordance with the provisions of LGOIMA; for instance if information is not provided, ensure it is withheld in accordance with the relevant section of the Act and advise the requester they can complain to my Office

The Council’s response

In response to my provisional opinion, the Council said that the staff handling LGOIMA will be reminded of the requirements listed above, and the Council is carrying out a template review of response letters.

²⁹ Link to the [ALGIM Customer Experience Mystery Shop webpage](#)

My comment

I do not consider the response adequately addresses the action point. The section refers to media information requests and general information requests, which may not be handled by the staff members who usually handle LGOIMA requests. I encourage the Council to ensure that all staff are aware of LGOIMA obligations when responding to information requests

Record keeping

The Council's Records and Information team consists of a team leader and three staff members. It was clear from both staff meetings and the staff survey that the team is dedicated and knowledgeable. However, a number of staff members considered the area to be under resourced and undervalued. One staff survey respondent said *'the emphasis on sound records management has been lost by an executive body that appears to see little value in managing and maintaining records to a high standard'*.

As outlined in the section [Information management audit](#), the Council has conducted an internal information management audit. The audit found that information is stored in many repositories across Council, namely the records management system DAISY but also on Outlook, desk tops, Infocouncil, shared and personal electronic drives, hardcopy team and personal filing systems, external hard drives and USB sticks, databases, intranet and internet webpages, and financial management systems (TechOne and Datascape) amongst others.

When asked how they describe the information management system at the Council, 49 percent of staff survey respondents said there is one centralised system. However, a theme in the comments was that while there is one system, it is not fully utilised across the Council. One survey respondent said *'we have one central system we all should use - but a lot of staff don't and create their own systems in different drives - so the end result is very piecemeal'*.

The information audit found that while staff prefer electronic storage, hardcopy filing is still used. Storing records in paper files can create a number of risks such as version control issues and document destruction if damage occurred to Council Offices. It can also be a problem if staff members have restricted access to the Office.

It is important that staff are aware that all information within the scope of a LGOIMA request, regardless of where or how it is saved, is subject to LGOIMA. Once all information subject to a request is located, a staff member with sufficient LGOIMA knowledge should consider whether the information will be released, or if there is a good reason to withhold it under the Act.

Another record keeping issue that was identified during the sample LGOIMA file review was that the Council was not periodically saving original, unredacted documents relating to the requested information in a location that was accessible. If unredacted documents are not saved, it is difficult for effective quality assurance to take place, or for the Council to respond to further enquiries, repeated similar requests, or complaints.

While LGOIMA does not explicitly require retention of records concerning information requests, there is an obligation on local authorities to retain full source material and ensure it is accessible. Original documents ought to be protected, particularly where a decision may be subject to a review by the Ombudsman. Not saving the original record in a retrievable location essentially curtails a statutory right to have the decision reviewed.

I consulted with the Chief Archivist on this issue and he confirmed that local authorities would be non-compliant with the Public Records Act 2005 if they did not retain an unredacted version of the information at issue. The Chief Archivist also stated that a local authority would be non-compliant if it retained the source material but failed to ensure the documentation was accessible.³⁰

The Council states that since the investigation commenced it has changed its processes and is now saving a copy of the source material in the OIA folder, so the documents are accessible. I am pleased that the issue appears to have been rectified during the course of the investigation, and the Council is ensuring the original, unredacted documents are kept in the centralised records management system. However, I do encourage the Council to ensure the process is occurring consistently across the organisation and all guidance documents are updated accordingly.

Another key area for record keeping improvement is the Council appointing an executive sponsor at the appropriate level to promote information and records as an area of importance to the Council. Currently, the Chief Executive has been nominated as the executive sponsor. While it is admirable that such a senior leader is responsible for this area, I believe it would also benefit from active involvement by a senior staff member.

Lastly, I think the Council should be conducting regular record keeping auditing, and reporting the results of the audits to the Chief Executive. This would ensure the change of policy and new strategies developed from the internal information audit, are fully embedded in staff practice.

Action points

Ensure all original, unredacted documents relating to the information at issue are being saved in the LGOIMA folder of the records management system and guidance documents are updated

Designate an executive sponsor from within the senior leadership team who has oversight of information and records management

Regularly audit record keeping and information management practices and report to Chief Executive

³⁰ See s 17(3) Public Records Act 2005

The Council's response

The Council said it is now ensuring all original, unredacted documents are saved in the LGOIMA folder, following feedback during the investigation.

In response to the second action point above, the Council stated that the Chief Executive is the designated sponsor and no further action will be taken.

In relation to internal auditing of record keeping, the Council states that it will continue to be prioritised on a '*risk based need*', considering other areas of risk and internal auditing resourcing.

My comment

I am pleased that the Council has amended its practice in relation to saving unredacted documents in the LGOIMA folder. However, as stipulated in the first action point above, I encourage the Council to review and amend its guidance documents in line with the change in practice.

Elected member email addresses

Elected members should be aware that any information they hold relating to Council business (emails, text messages and so on) is subject to request under LGOIMA. Likewise, any requests made by elected members to the Council are also subject to LGOIMA.

Currently, only the Mayor has a Council email address. The Councillors receive emails from the public to their personal email addresses, which are published on the Council's website. While the Council states it informs elected members that all emails concerning Council business can be requested under LGOIMA, it does not necessarily ensure Councillor email correspondence is maintained.

I suggest the Council consider giving all Councillors a Council email address and ask them to use these email addresses for all Council business. Archives New Zealand considers this best practice as it ensures the Council has a defensible case for adequate access to records.³¹

Action points

Provide Council email addresses and encourage elected members to use them for all Council business

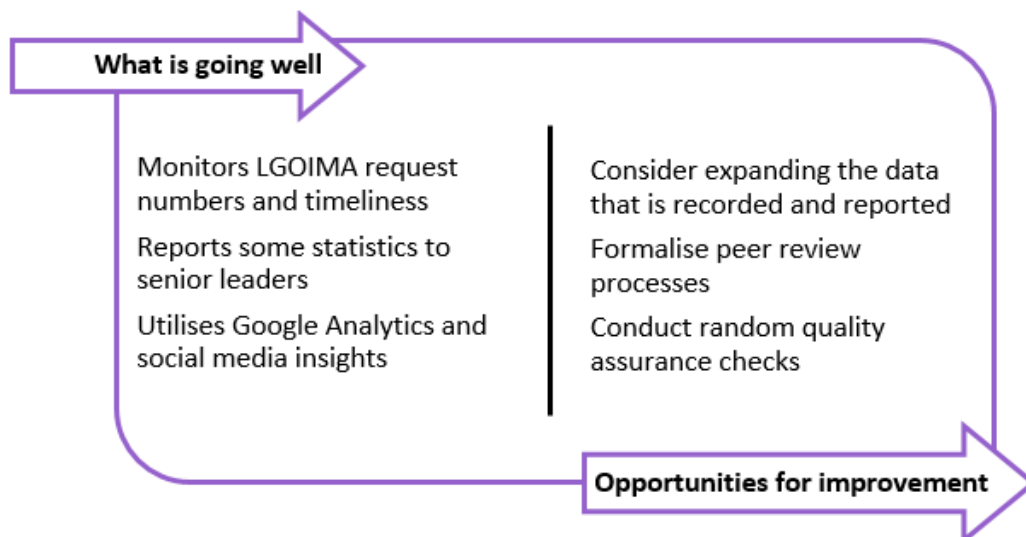
³¹ See s 17(3) Public Records Act 2005

The Council's response

The Council said it is working on providing elected members with a Council email address *'together with guidance on their obligations under LGOIMA with regard to the holding and releasing of information'*.

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. To assess the Council's performance monitoring and learning 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

The Council currently monitors and reports LGOIMA requests in terms of numbers and timeliness. The data it collects about LGOIMA performance includes details of the requester, the information sought and the outcome of the request (for instance whether it is granted in full, granted in part or refused in full). It also records whether the decision was notified to elected members, the time from receipt of the request to communication of the decision (and subsequent release of the information) and whether a response was proactively published.

LGOIMA requests received and sent each week are listed in a weekly 'heads-up report' which is compiled by the Communications and Marketing Manager and provided every week to elected members and the Senior Leadership team (tier three and above). The Records and Information team compile data from the weekly LGOIMA reports and send them to the Communications and Marketing team and all Executive Assistants, as they play a key role in monitoring and progressing LGOIMA requests assigned to staff in their teams.

The Council utilises Google Analytics, which enables it to analyse website audience demographics either in real-time or backdated data. It can collect information such as how the website has acquired visitors, the most popular page visits and devices used to access the website.

Alongside Google Analytics, the Council utilises social media insights for Facebook, LinkedIn, Twitter and Instagram. All social media channels provide in-depth insight into their audiences allowing the Council to focus content and provide the correct information at the right time of day. Social insights can monitor engagement rates, which allows the Social Media team to keep content and real-time engagement fresh and up-to-date.

Both social media insights and Google Analytics are used to form the basis of the digital marketing strategy, which the Council states ensures the customer's '*digital journey*' on the website and the content strategy are both effective and informative.

Opportunities for improvement

Further reporting

I would like the Council to consider expanding the type of reportable data it collects about the LGOIMA requests it logs onto its database. The Council does not currently record:

- the type of request (part 2, 3 or 4 of LGOIMA);
- the number of transfers;
- the reasons for transfers or whether transfers were made in time;
- the number of extensions, the length of extension or the reasons for extensions.

The Council could also collect information regarding the number of charges made and collected (including the dollar amount), whether requesters are consulted prior to refusal under s 17(f) and whether elected members or other third parties were consulted on a decision. The indicators in [Appendix 2: Performance monitoring and learning](#) list what could be included in performance data.

At present, weekly statistics are provided to elected members and senior leaders. This data does not include information on the reasons for any refusal of information. This is a missed opportunity for senior leadership to become aware of any recurring themes or issues in this area.

The Council could consider circulating LGOIMA statistics to all staff, to keep the wider organisation informed. Reporting of this type could serve as a useful tool to inform planning around capacity, highlight training needs and encourage timeliness.

Action point

Consider recording more information on LGOIMA requests

Improve detail in regular reporting of statistics to senior leadership

The Council's response

In response to the first action point above, the Council said:

Since the review from the Ombudsman's office, we now keep all records related to each LGOIMA together in one folder. This includes internal and external emails that relate to the request. The LGOIMA Champions will review our practice to look for ongoing improvements in our record keeping.

The Council also said that the Principal advisor to the Chief Executive will provide a monthly report to the Executive Leadership Team.

Monitoring quality

Good quality performance monitoring enables a council to learn from previous practice in order to inform future practice. As noted in the section [Documenting decision making](#) the Council should record the reasoning behind the decisions it makes on a LGOIMA request. This will serve as a check that all necessary elements are considered before a decision is made, and build up a resource for staff to refer to when considering the appropriate approach in future decisions. It is also useful information for quality assurance purposes.

I also consider it helpful for councils to have a robust peer review process. Currently the Council relies on senior staff, who see all LGOIMA responses for peer review. While there are benefits to this system, it could be improved by having responses reviewed by a peer who has specialised knowledge on the Act, prior to review by senior management and the Chief Executive.

Random quality assurance checks of LGOIMA responses (completed after requests are finalised) are another way councils can ensure that practice is in accordance with guidance and consistent across the organisation. The quality of LGOIMA responses may encompass factors such as a robust and adequately documented decision making process, the inclusion of contextual information to assist requesters, and the quality of response letters, amongst others. Establishing a system of quality assurance could assist the Council to identify where

additional training needs or support may be needed in a particular business unit, and to recognise excellent performance where it exists.

Action point

Implement a formalised peer review process

Conduct randomised quality assurance checks after finalisation of LGOIMA requests

The Council's response

The Council said that while peer review does already take place, it will be strengthened with the LGOIMA Champions and new training and guidance to all staff.

The Council states that it will set up a process where the new LGOIMA Champions will randomly review LGOIMA responses.

Appendix 1. Official information practice investigation - terms of reference

This document sets out the terms of reference for a self-initiated investigation by the Chief Ombudsman into the practices of Porirua City Council relating to the Local Government Official Information and Meetings Act 1987 (LGOIMA).³²

Purpose of the investigation

The investigation will consider how the Council works to achieve the purposes of 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 LGOIMA.

The investigation will identify areas of good practice, and make suggestions for improvement opportunities if any areas of vulnerability are identified.³³

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 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, it would be prudent to. The investigation will also consider how the agency administers Part 7

³² See sections 13(1) and 13(3) of the Ombudsmen Act 1975 (OA).

³³ Formal recommendations under the OA will only be made if the Chief Ombudsman forms an opinion that a decision, recommendation, act, or omission by the agency was unreasonable or contrary to law under section 22 of the OA.

Local Authority meetings. The investigation will not consider decisions taken by full council (committee of the whole).³⁴ 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 LGOIMA in their own right.³⁵ 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 responses³⁶
- 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.

³⁴ See s13(1) Ombudsmen Act 1975

³⁵ Council Controlled Organisations are subject to Parts 1-6 of LGOIMA see section 74 of Local Government Act 2002.

³⁶ 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 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.³⁷

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.

³⁷ 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 government agencies:

1. [Leadership and culture](#)
2. [Organisation structure, staffing and capability](#)
3. [Internal policies, procedures and resources](#)
4. [Current practices](#)
5. [Performance monitoring and learning](#)

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

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

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 members³⁸, 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.

³⁸ 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 compliance³⁹ – 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).

³⁹ 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 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 16 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: Council response to agency questionnaire November 2019

Row 2 (steps 4 to 6)

Box 4: Circulation of surveys to: - council staff, - LIM staff, - elected members, - stakeholders and public December 2019 / Box 5: Meetings with key staff December and January 2019/2020 / 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 October 2020 / Box 8: Final Opinion presented to Council December 2020 / Box 9: Final Opinion tabled in Parliament and published on the [Ombudsman website](#) February 2021

Appendix 4. 'Lifting LGOIMA performance at Porirua 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

- Ensure senior leaders highlight the importance of the LGOIMA
- Review LGOIMA webpage
- Consider delegating some LGOIMA decision making
- Consider strategic program of proactive release

Organisation structure, staffing, and capability (yellow outline)

- Review the current LGOIMA model to determine if there is sufficient technical advice available for staff
- Ensure there is sufficient organisational resilience
- Include more LGOIMA detail in induction training
- Develop advanced training for those involved in the LGOIMA process
- Consider an 'information protocol' for elected members

Internal policies, procedures, and resources (blue outline)

- Update OI guidance documents and consider publishing on website
- Develop written policies on information management and record keeping
- Consider developing a LGOIMA champion or buddy system and ensure they are identifiable to all staff

Current practices (orange outline)

- Ensure the public interest test is considered where applicable
- Record administrative steps and reasoning behind decisions
- Consider live streaming and recording Council meetings

- Ensure all requests for official information are handled in accordance with the provisions of the LGOIMA
- Provide Council email addresses for elected members

Performance monitoring and learning (purple outline)

- Consider recording more information on LGOIMA requests
- Consider improving detail in reporting of statistics to senior leaders
- Consider implementing a formalized peer review process
- Conduct randomized quality assurance checks

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"> • The Chief Executive has an open leadership style • Community engagement and consultation is excellent • The Council builds a trusting relationship with the groups it engages • Social media presence and digital reach is good • Publishes some LGOIMA responses 	<ul style="list-style-type: none"> • Should consider publishing internal policies on website • Improve internal messaging from Chief Executive on LGOIMA and openness • Weave the concepts of transparency, openness and LGOIMA into strategic documents • Consider delegating some decision making authority

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 handling LIM applications is fit for purpose • Administration of Council meetings is going well • Elected members understand their responsibilities in relation to LGOIMA requests 	<ul style="list-style-type: none"> • The current model for processing LGOIMA requests may not be fit for purpose • Organisational resilience is a vulnerability • Additional training is required for new staff at induction and advanced courses for those involved in the LGOIMA process • Development of an 'information protocol' for elected members

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

What is going well	Opportunities for improvement
<ul style="list-style-type: none"> Resources are available for LIM and property file requests Council meeting resources are available There are some official information resources An information management audit has been conducted 	<ul style="list-style-type: none"> The Official Information guide requires development Development of a separate, broader proactive release policy is desirable Develop policies on record keeping and information management, review the policies and provide training

Table 4: Current practices ‘At a glance’

What is going well	Opportunities for improvement
<ul style="list-style-type: none"> Continued to perform LGOIMA related functions during the COVID-19 lockdown and was proactive releasing COVID relevant material Compliant with statutory requirements for Council meetings, allows the public to speak in meetings and considers releasing ‘public excluded’ decisions Cautious in fixing a charge for the supply of information requested under LGOIMA 	<ul style="list-style-type: none"> Some practice issues identified, such as inadequate consideration and recording of public interest Issues identified in relation to LGOIMA request timeliness rates and record keeping The recording of decision making could be improved Council should consider livestreaming Council meetings

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

What is going well	Opportunities for improvement
<ul style="list-style-type: none"> Monitors LGOIMA request numbers and timeliness Reports some statistics to senior leaders Utilises Google Analytics and social media insights 	<ul style="list-style-type: none"> Consider expanding the data that is recorded and reported Formalise peer review processes Conduct random quality assurance checks

Document ends