



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

*Local Government Official Information and Meetings Act 1987 (LGOIMA) compliance  
and practice at Tauranga City Council*

Office of the Ombudsman  
February 2021  
ISBN: 978-0-473-56380-6

Cover image: Children playing at the Tauranga waterfront playground. Supplied by  
Tauranga City Council

# LGOIMA compliance and practice at Tauranga City Council

Opinion of the Chief Ombudsman

December 2020

---

## Contents

Foreword	4
Introduction	6
Tauranga City Council: a snapshot	9
Executive summary	10
Leadership and culture	18
Organisation structure, staffing, and capability	31
Internal policies, procedures and resources	40
Current practices	51
Performance monitoring and learning	61
Appendix 1: LGOIMA practice investigation terms of reference	68
Appendix 2: Key dimensions and indicators	73
Appendix 3. 'Timeline and methodology' diagram verbalisations	88
Appendix 4. 'Lifting LGOIMA performance at Tauranga City Council: summary of actions' diagram verbalisation	89
Appendix 5. 'At a glance' diagram verbalisations	91

## Foreword

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

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

The Local Government Official Information and Meetings Act 1987 (LGOIMA) is an important tool for fostering transparency and accountability in local government. It allows people to request information held by local authorities, it provides a right to complain to the Ombudsman in certain circumstances, and it has provisions governing the administration of local authority meetings. Without access to information held by local authorities, and to public meetings, the ability of New Zealanders to participate in the democratic process is curtailed. An effective official information regime sits at the very heart of local government practice and should be closely connected with governance, community engagement and communications functions.

The Chief Executive and senior leaders at Tauranga City Council (the Council) appear committed to openness and transparency. These concepts are also reflected in external documents, such as the Annual Report and the Long Term Plan. The Council has taken a proactive approach to its LGOIMA practice by establishing a dedicated team to handle LGOIMA requests. A substantial amount of LGOIMA data is collected and reported to senior leaders.

It is commendable that the Council has maintained an open culture and robust LGOIMA practices, despite recent challenges that have received media attention. There is still room for some improvements to the Council's current LGOIMA practice, in order to lift its performance even further. Implementing the action points identified in this report, such as including more content on the LGOIMA webpage and updating LGOIMA guidance, will go some way toward the Council becoming an exemplar of LGOIMA practice to other councils.

The Council employs some good practices in relation to local authority meetings, such as its investment in a software platform to facilitate good meeting administration. It is developing a policy to review content from 'public excluded' meetings for release at a later date. Another area for improvement relates to workshops and other meetings of Council that are not guided by part 7 of LGOIMA. It is encouraging that the Council's Standing Orders state that workshops are open to the public. However, other informal meetings are not. I encourage the Council to ensure all informal meetings are treated in the same way, as per the Standing Orders, and that records of any informal meetings are kept.

The Council was given the opportunity to comment on my provisional opinion and responded positively. It has accepted all of my action points and advised me that implementation is

already underway for some of them. I intend to follow up with the Council at appropriate intervals over the next year, and I look forward to seeing the Council's progress.

I should note that my investigation coincided with an unprecedented event: the emergence of COVID-19 and the resulting nationwide state of emergency and lockdown. I wish to acknowledge the Council for the positive and open way it engaged with this investigation, including during the lockdown period. In particular, my thanks go to those staff who took the time to meet with my investigators to discuss their experiences and views on the Council's LGOIMA practices; staff who participated in the investigation through completing employee surveys; and staff who liaised with my office throughout the investigation and who responded to my detailed agency questionnaire.

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

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

A handwritten signature in black ink, appearing to read 'Peter Boshier'.

Peter Boshier  
Chief Ombudsman  
December 2020



## Introduction

This report sets out my opinion on how well Tauranga City Council (the Council)<sup>1</sup> is meeting its obligations under the Local Government Official Information and Meetings Act 1987 (LGOIMA).

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

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

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

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

As Chief Ombudsman, I am committed to improving the operation of LGOIMA to ensure the purposes of the Act are realised. Key to achieving this is Parliament's expectation that I regularly review 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.<sup>2</sup> 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.

---

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

<sup>2</sup> See s 13(1) and 13(3) OA 1975.

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

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

## My opinion

Through the investigation process, I have identified areas of good practice, and areas of vulnerability that I think the Council should address. I have suggested 37 actions that I consider will improve the Council's practices. The Council has accepted all action points. I refer to the Council's specific responses in the body of the report.

I commend the Council's commitment to improving its processes and LGOIMA practice. The Council took initiative by creating a dedicated team for responding to LGOIMA requests. I am also impressed by the breadth of LGOIMA data the Council collects and reports on.

I have not identified any conduct by the Council that was wrong, unreasonable or contrary to law and, as such, I have not made any formal recommendations.<sup>3</sup>

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

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

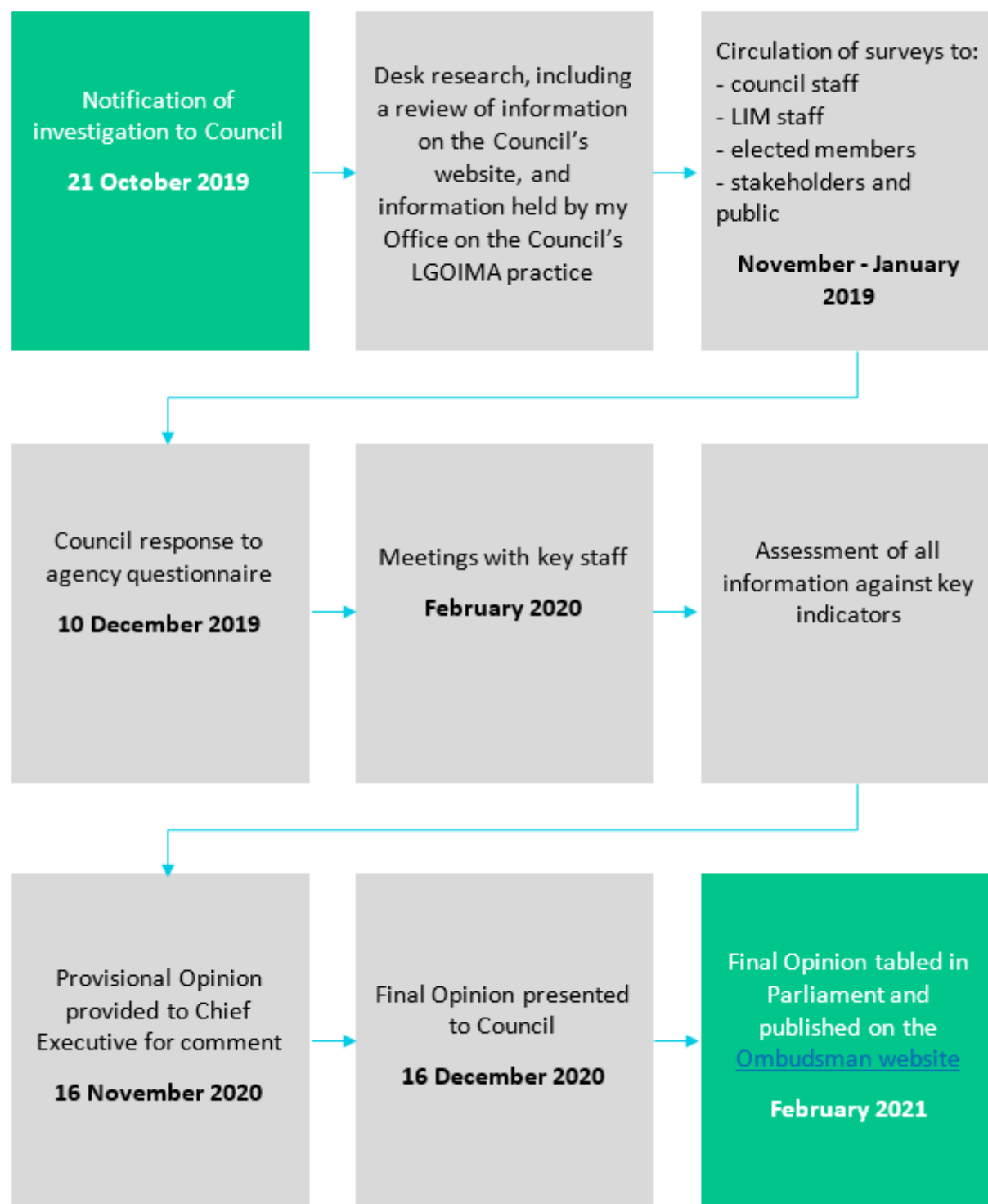
My opinion relates only to the Council's practice during the period in which my investigation took place.<sup>4</sup> I notified the Chief Executive of the commencement of my investigation on 21 October 2019 and I presented my final opinion on 16 December 2020.

---

<sup>3</sup> Formal recommendations under the OA are only made if I form an opinion that a decision, recommendation, act, or omission by the agency was wrong, unreasonable or contrary to law, etc. under s 22 of the OA 1975.

<sup>4</sup> On occasions, we may look at material from outside the investigation period where particular issues warrant further investigation.

## Timeline and methodology



[Appendix 3 has a verbalisation of the 'Timeline and methodology' diagram](#)



## Tauranga City Council: a snapshot

Tauranga is located in the northwest corner of the Bay of Plenty region, next to Tauranga Harbour on New Zealand's North Island. It is New Zealand's fifth most populous city and has a land area of 135 kilometres.

The local authority, Tauranga City Council (the Council), has 10 elected Councillors and one elected Mayor. Elections are held every three years. The Council is one of seven in the Bay of Plenty region.

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

The Council was established in 1989 as a district council and renamed in 2003 as a city council. The Council's headquarters are in Tauranga.



### In 2018/19, Tauranga City Council:

- Served 136 840 residents
- Received \$137.8 million in rates
- Employed approximately 613 staff
- Received 303 requests under LGOIMA
- Handled 92.4% of these requests within the legislative timeframe
- Processed 3356 LIM reports
- Handled 92.3% of these reports within the legislative timeframe



*Image courtesy of Tauranga City Council*

**Acting Mayor** Tina Salisbury

**Elected Councillors** 10

**Chief Executive** Marty Grenfell

**Wards** Mount Maunganui/Pāpāmoa, Ōtūmoetai/Pyes Pa, Te Papa/Welcome Bay, as well as an 'at large' (city-wide) category

## Executive summary

This summary draws together the key findings and suggested actions from my investigation. The diagram on [page 17](#) further summarises the action points into a ‘snapshot view’ of those aspects I consider will further lift LGOIMA performance at Tauranga City Council.

### Leadership and Culture

I am encouraged to find that overall, the Council’s senior leaders value transparency and are driving a more open culture. This is reflected in the Council’s external messaging to the public, which includes overarching statements on its commitment to openness and transparency. However, there is little internal communication from senior leaders to staff that directly references LGOIMA, in support of the Council’s endeavours to be open and transparent. It is incumbent upon leadership to foster an organisation-wide culture that promotes access to official information, sound record keeping and information management practice.

The Council’s Delegations Manual lists the positions of staff who can make a decision on LGOIMA requests and public excluded items for meetings. I suggest the Council ensure consistency of LGOIMA compliance across all positions that have the authority to make decisions on LGOIMA requests. Furthermore, LGOIMA compliance should be incorporated into the new performance framework and key performance indicators that the Council is developing.

I recognise that the Council is making a considerable effort to improve engagement and trust with the community. This includes the creation of a new Engagement team, independent reports on project issues, training for staff, updating policies, creating new resources and connecting with historically hard-to-reach groups. I would encourage the Council to continue investing in this area, as one of the purposes of LGOIMA is to enable more effective participation by the public in Council decision making. Effective engagement is key to achieving this.

There is an opportunity for the Council to refresh the LGOIMA request webpage on its website by adding more information about LGOIMA provisions and information held by the Council. There is also an opportunity to fix the search function on the proactively released *LGOIMA responses* webpage, and make the Council’s website (and the information on the website) more accessible for the community.

Finally, I am pleased the Council has provided elected members with training on their roles and responsibilities for local authority meetings and LGOIMA requests.

#### Action points: Leadership and culture

1. Senior leaders should make clear, visible and regular statements to staff about the importance of LGOIMA
2. Senior leaders to champion sound information management and record keeping practices

**Action points: Leadership and culture**

3. Review and update the content of the *Official information requests* webpage
4. Ensure the search function on the *LGOIMA responses* webpage is working correctly
5. Review and update the accessibility of the Council's website
6. Incorporate LGOIMA compliance into the new performance framework and key performance indicators

**Organisation structure, staffing and capability**

The Council created a new Democracy Services team in July 2019, and the team processes LGOIMA requests through a fully centralised model. The team is also responsible for responding to information requests from elected members. The new model appears to work well, and the Democracy Services team has received LGOIMA training from my Office within the past year. It is also encouraging that the Council has introduced an eLearning module, which includes LGOIMA, for all staff at induction.

Staff respond to requests for information daily, and need to know how to respond consistently within the parameters of LGOIMA. Further LGOIMA training at induction would lift LGOIMA knowledge for staff across the organisation. Targeted training should also be provided to all staff who deal with information requests (such as front line staff and decision makers), and LGOIMA refresher training should be offered.

As with processing requests for official information, the processing of LIM reports and the administration of Council meetings are also governed by LGOIMA. The Council's model for processing LIM applications appears to work effectively, and comprehensive LIM training for new starters was recently introduced. The administration of Council meetings also works well, with some training available.

I am pleased that all staff receive basic information management and record keeping training upon induction. The Council also has a dedicated information management team.

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

1. Continue developing the official information training programme to include more comprehensive induction training for all staff, as well as refresher courses and targeted training for specific roles

**Internal policies, procedures and resources**

The Council has a suite of useful resources to guide staff. Meeting and workshop resources include the Standing Orders, a user guide of the automated agenda management system known as Infocouncil, and a workshop record template. However, the Council should expand its guidance on workshops to include guidance on information generated as part of a

workshop. This would include where the information is to be saved, how it will be made available to the public, and how to request information about workshops under LGOIMA.

Information management and record keeping resources include an information management policy, procedural documents, one-page reference sheets and two guides on frequently asked questions (one for staff and one for elected members). The resources are generally sound, although I do suggest some corrections, additions and improvements.

LGOIMA resources include template letters, a process map, a procedural document, a summary of withholding grounds, and a document on filing and naming conventions. I have suggested some revisions the Council should include when it reviews and updates these resources, such as high-level LGOIMA principles, and key aspects to consider when responding to LGOIMA requests. The Council should also consider consolidating LGOIMA resources into an overarching official information policy to facilitate ease of use.

A separate charging policy is being developed, so references to charging in current LGOIMA guidance should be checked to ensure alignment with the new policy. Once finalised, the Council should consider publishing the charging policy on its LGOIMA webpage.

The Council is finalising a proactive release policy, and should consider how this policy can be incorporated into the Community Relations Strategy to further increase engagement and public participation in decision making. The more information a community has, the better it can engage with decision making. A proactive release policy will ensure uniformity of approach between business groups. It will also help embed the practice and maintain its priority, irrespective of personnel changes or workload pressures.

The Council has provided LGOIMA training to elected members, and it should also consider developing a LGOIMA protocol. This would reinforce the training, encourage consistency in practice, and provide clarity around roles and responsibilities.

Finally, I encourage the Council to keep its LGOIMA, meeting administration, information management and record keeping resources up-to-date, and to review them periodically. I would expect policies, procedures and resources to be assessed on a yearly basis, and following any significant changes.

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

1. Consider consolidating the current LGOIMA resources into an overarching official information policy to facilitate ease of use
2. Review and update LGOIMA guidance material; in particular include high level LGOIMA principles and key aspects to consider when responding to LGOIMA requests
3. Ensure LGOIMA resources are regularly reviewed and up-to-date
4. Once the Council has finalised its LGOIMA charging policy, ensure references to LGOIMA charging in other guidance material is consistent with the policy

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

- |   |
|---|
| 5. Consider publishing the Council's charging policy on the LGOIMA webpage  |
| 6. Finalise the proactive release policy  |
| 7. Consider how a proactive release policy can be linked to the Council's Community Relations Strategy, the Significance and Engagement policy and communications strategy  |
| 8. Expand the guidance on workshops to ensure information generated as part of a workshop is kept; include where the record is to be saved, how the record will be made available to the public, and that information about workshops can be requested under LGOIMA |
| 9. Review and update information management and record keeping resources  |
| 10. Ensure information management and record keeping resources are regularly reviewed and up-to-date  |
| 11. Consider developing a LGOIMA protocol for elected members   |

**Current practices**

The Council has a number of good practices that it utilises when responding to LGOIMA requests. The Council uses a centralised LGOIMA model, provides some training, and has a number of guidance documents. It also appears that consultation with elected members on LGOIMA requests, and notification of elected members about LGOIMA requests, is appropriate and managed on a case-by-case basis.

My investigation found that for the period of 1 July 2018 to 30 June 2019, most LGOIMA requests (92.4 percent) were processed within the 20 working day maximum statutory timeframe. The timeliness was somewhat impacted by a miscalculation of the timeframe. However, there is now a formula that automatically calculates the timeframe, and this has resolved the issue. I am pleased that since the introduction of the Democracy Services team, the Council's LGOIMA timeliness rate has continued to improve. For instance, the Council's timeliness rating rose to 97.6 percent for the period of 1 September 2019 to 29 February 2020.

Council staff record administrative steps and reasoning behind LGOIMA decisions, including any consideration of the public interest, in some cases. Its LGOIMA practice would be further enhanced by staff recording this information in all cases. Recording the peer review process would also ensure consistency in decision making.

I encourage the Council to begin using an acknowledgement letter template when acknowledging LGOIMA requests it receives. Furthermore, the Council should ensure its

internal timeframes are revised to support LGOIMA decisions being made '*as soon as reasonably practicable*'.<sup>5</sup>

My investigation found most LIM reports (92.3 percent), for the period of 1 July 2018 to 30 June 2019, were processed within the 10 working day statutory timeframe. The timeliness was impacted by a substantial and unexpected increase in the number of LIM applications being received. Additional staff were recruited to address this issue and it has now been resolved.

The Council is compliant with the statutory requirements for public notification of meetings, publication of agendas, and issuing minutes. There are good practices in relation to meeting notification, and meetings are livestreamed. However, the Council should introduce a practice to revisit material heard in the public excluded portion of meetings for release at a later date (when the withholding grounds no longer apply), and record the reasoning when a decision to exclude the public is made. Furthermore, the Council should consider how to make presentations available on its website prior to meetings. The practice of holding informal meetings should align with the Council's Standing Orders, and records should be kept of these informal meetings.

In order to respond to LGOIMA requests accurately, staff need to have access to the relevant information on a centralised records management system. Staff are informed briefly at induction training that they do not have full access to the information management system, but this is not written in any guidance material. The Council should remind staff that they may not be able to access all documents in the system. Additionally, the Council should provide further guidance and training on conducting searches in the system, and consider providing full access to the information management system to more staff. All LGOIMA request searches should be conducted, or checked, by staff with full access. More staff should also be trained on how to conduct full email searches.

#### Action points: Current practices

1. Consider using an acknowledgement template letter, such as the one from my Office
2. Revise internal timeframes to ensure that decisions are being made '*as soon as reasonably practicable*'
3. Ensure consistent recording of the reasoning behind LGOIMA decisions, including any consideration of the public interest
4. Ensure a consistent record of the administrative steps taken in relation to LGOIMA requests
5. Keep a record of the peer review process
6. Consider how council meeting presentations can be made available on the Council's website in advance of meetings

<sup>5</sup> See s 13 LGOIMA 1987.

**Action points: Current practices**

- |  |
|--|
| 7. Revisit and consider releasing material heard in public excluded portions of Council meetings   |
| 8. Record the reasoning behind public excluded decisions, including any consideration of the public interest   |
| 9. Ensure the practice of holding informal meetings aligns with the Council's Standing Orders and ensure adequate records are kept                   |
| 10. Consider providing further guidance and training on conducting searches of the information management system <i>Objective</i>                    |
| 11. Remind staff they may not have access to all documents in the information management system <i>Objective</i> that fall within scope of a request |
| 12. Consider providing more staff with full access to the information management system <i>Objective</i>   |
| 13. Ensure all information management system <i>Objective</i> searches for LGOIMA requests are undertaken, or checked, by staff with full access     |
| 14. Train more staff on how to conduct full email searches   |

**Performance monitoring and learning**

The Council collects and reports on a wide variety of LGOIMA request data, which is commendable. I consider this to be a standout area for the Council. I am also pleased that relevant information from my Office, Local Government New Zealand, and the Society of Local Government Managers is shared within the Council. Furthermore, the Council has mechanisms in place for sharing best practice externally, such as quarterly meetings with other public service information management staff throughout the region.

There are performance measures in place for LGOIMA requests, LIM reports and meeting administration, mostly based on timeliness. These performance measures are reported multiple times a year to relevant Committees. The volume of LGOIMA requests, customer service requests, media requests, elected member queries, LIM reports and property file requests are also reported to Committees, senior leadership and/or managers. The number of viewers for livestreamed Council meetings is tracked, and several council teams use a Net Promoter Score to measure customer satisfaction. Senior leadership also receives a weekly email of any high-profile LGOIMA requests.

The Council has a performance measure of 98 to 100 percent timeliness for official information requests being sent within the maximum statutory timeframe of 20 working days. This should be amended to 100 percent to comply with the legislation. The Council also has a performance measure of 99 percent timeliness for LIM reports being sent within the maximum statutory



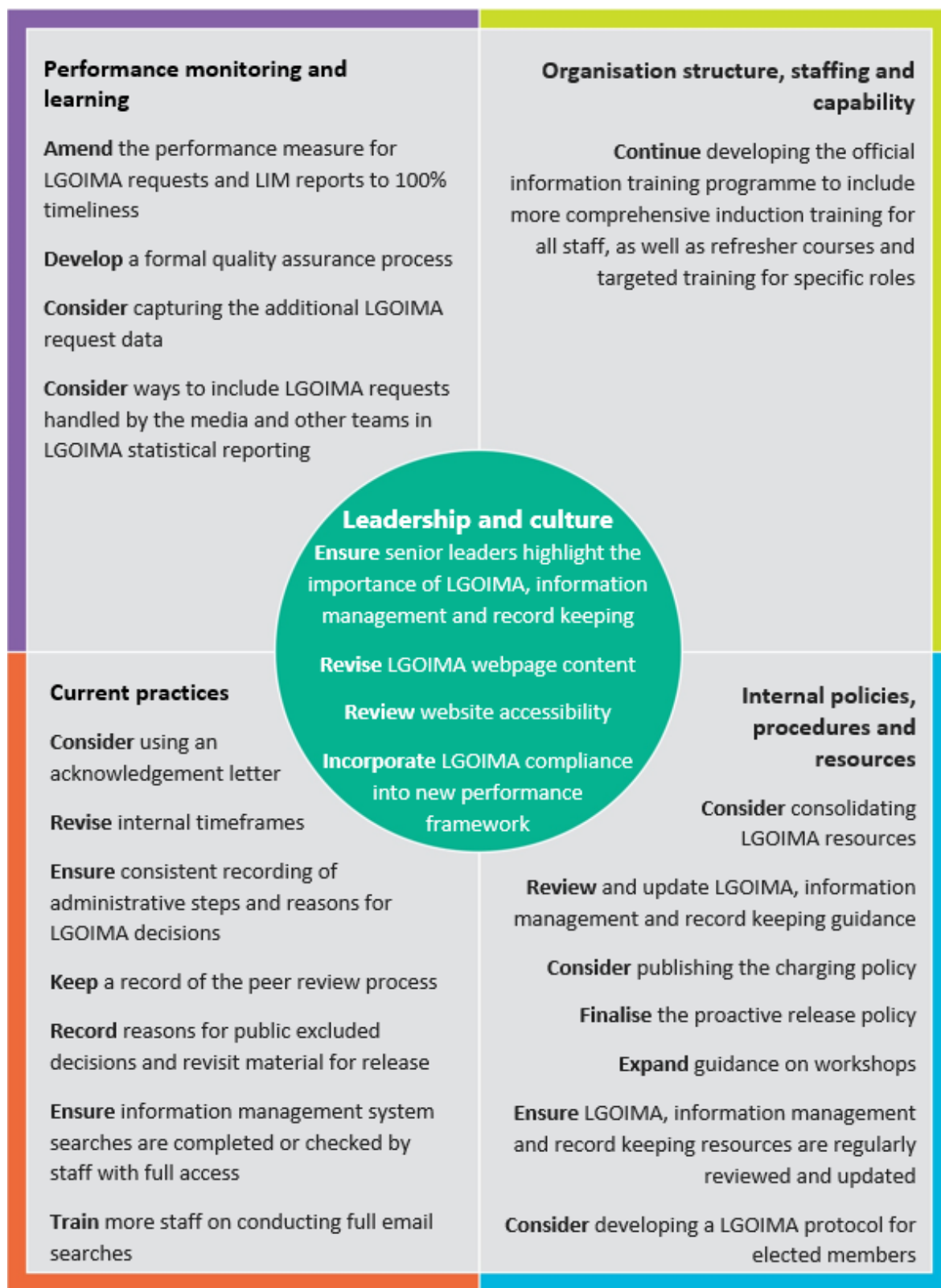
timeframe of 10 working days. This should also be changed to 100 percent to comply with the legislation.

In addition to the above performance measures, performance monitoring could be further improved by storing certain LGOIMA information in a way that would enable easier reporting of the data (by eliminating the need for a manual search). The Council also has an opportunity to present to the public a more complete picture of the volume of information requests it handles by including Customer Service, media, elected member and property file requests in the total count of its LGOIMA timeliness statistics. Furthermore, I consider that the Council could improve its performance monitoring by incorporating quality assurance measures.

#### Action points: Performance monitoring and learning

1. Amend the performance measure for LGOIMA requests to 100% timeliness to ensure compliance with LGOIMA
2. Amend the performance measure for LIM reports to 100% timeliness to ensure compliance with LGOIMA
3. Develop a formal quality assurance process for LGOIMA requests
4. Consider capturing the additional LGOIMA request data in a way that allows for easy retrieval, reporting and analysis
5. Consider including Customer Services Centre, media, elected member and property file requests in the total count of LGOIMA timeliness statistics

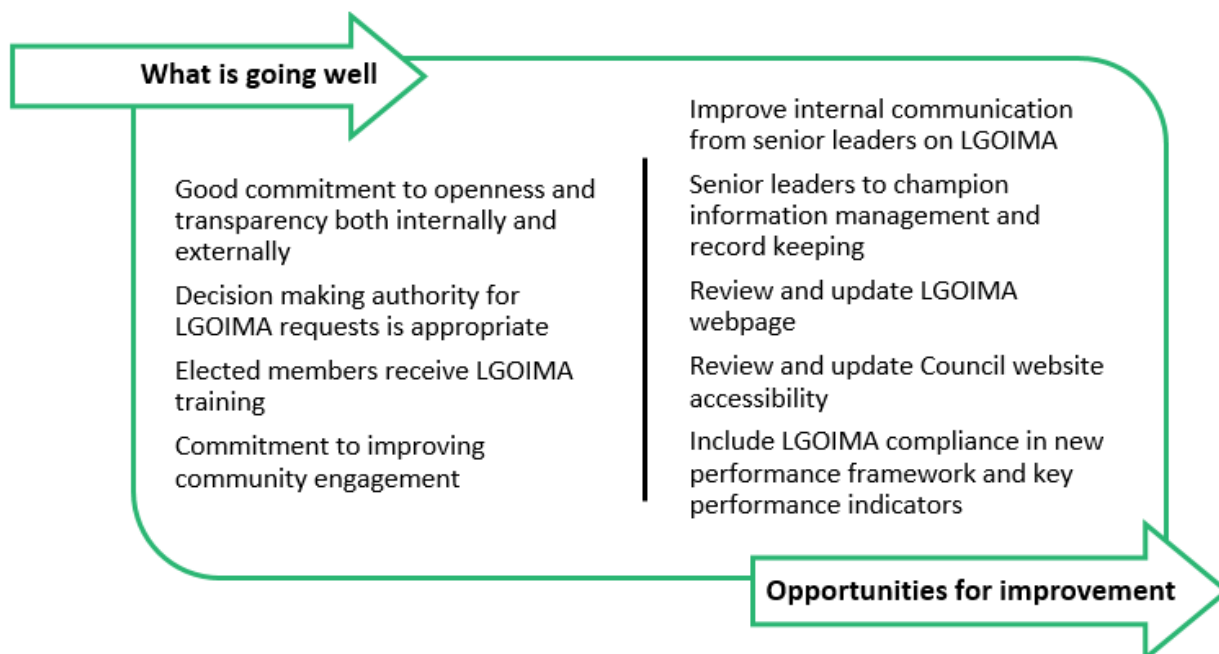
## Lifting LGOIMA performance at Tauranga City Council: summary of actions



[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, champions positive engagement with those who want to know and understand what work they are doing, and enables compliance with the principles, purposes and provisions of the legislation.

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

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

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

## Aspects that are going well

### A generally open culture

The attitudes of senior leaders are crucial in promoting a culture that supports compliance with LGOIMA and encourages openness and transparency in a council. As part of my investigation, I conducted a survey of all staff about openness and LGOIMA practice at the Council. I received 365 responses to this survey.<sup>6</sup> Of those who responded, 86 percent said the Council was moderately or strongly pro-openness and public participation. The overall impression gained through responses to the staff survey and meetings with Council staff was that the Council is generally committed to being open.

My investigators met with a number of staff members who said the Council is committed to openness and transparency. Some comments from the staff survey stated that the Chief Executive, other senior leaders, the (now former) Mayor, and the Democracy Services team are all responsible for the positive culture. A sample of the comments include:

*There has been a real sense of change in recent months, in a positive way, and there are clear messages about open and honest community engagement being heard across the organisation, led by the Exec and the CEO.*

*A commitment to better openness and transparency has been communicated from the current Mayor and Chief Executive.*

*The culture is undergoing a positive change with the [Chief Executive] and Democracy Services team. LGOIMA awareness is being improved.*

In April 2020, I met with the Chief Executive and asked him whether he considers the Council to be open and transparent. He said he considers local government staff to be ‘*servants of the community and they need to be open and frank*’. He also said the Council’s relationship with the community is very important.

The Chief Executive has an open communication style, which filters down to senior leadership. The Chief Executive and senior leaders engage with Council staff in a number of ways, such as sending a weekly email entitled *Marty’s Message* to staff. The email provides updates from around the Council, gives details of key events, and shares staff achievements. There are quarterly Chief Executive briefings for staff, and the Chief Executive also meets with each team individually after the release of the Annual Report to talk about highlights and areas for improvement. After the Chief Executive’s weekly stand-up briefing with senior leadership, a General Manager will visit each Council building for a quick, voluntary stand-up session to notify staff about what was discussed. This information is then posted on *Insider* (the Council’s intranet).

Although there does appear to be open communication between the Chief Executive, senior leaders and staff, my investigators found minimal references specifically to LGOIMA in the internal messages. As discussed further below under [Opportunities for improvement](#), the Chief

---

<sup>6</sup> As per the agency questionnaire, the Council has approximately 675 full-time equivalent staff.

Executive and senior leaders should include more references to LGOIMA in their messaging to staff.

The Council also demonstrates its open culture by publishing the results of its annual residents' survey (previously known as the Community Perceptions Study).<sup>7</sup> The survey '*measures the perceptions of residents regarding various aspects of services that Council provides*', including a reputation measure. Releasing the results indicates the Council is willing to be held accountable to the public.

The reputation measure is derived from the following questions:

*How would you rate the Council for its leadership?*

*Overall how would you rate Council in terms of the faith and trust you have in them?*

*Thinking about Tauranga City Council in terms of the leadership they provide for the city, the trust that you have in Council, their financial management and quality of services they provide, how would you rate the Council for its overall REPUTATION?*

Results are compared to previous years and in the 2019 survey, the Council's reputation rating declined to 58, '*a level considered 'poor' against the reputation benchmark.*'

The 2019 annual residents survey states:

*Perceptions of Reputation have the greatest influence on overall evaluation of Council and as the performance is relatively low, focus in this area presents an opportunity to improve overall satisfaction.*

These results indicate the Council has significant work to do to improve its reputation within the community. However, as discussed further below in [Commitment to strengthening community engagement](#), I am pleased the Council is developing new engagement strategies and working towards improving community trust.

It is positive that the Council publishes the residents' survey results. It is important that leaders are open and transparent, regardless of whether the information reflects negatively or positively on the Council. Although it may be uncomfortable for the Council to publish negative information, doing so ultimately reflects a willingness to build trust and accountability for the Council's actions.

## External messaging

It is important for agencies to publicly express a commitment to openness and transparency. The Council demonstrates its support of these principles in documents such as the Annual Reports for 2018/19 and 2017/18. The 2017/18 Annual Report states:<sup>8</sup>

---

<sup>7</sup> Link to Tauranga City Council's [Annual residents survey](#)

<sup>8</sup> Link to Tauranga City Council's [Annual Report 2017/18](#)

*The Governance activity encompasses democratic support to Council, its committees and other bodies in respect of local decision-making and governance processes. This activity ensures governance structures and processes are effective, open and transparent.*

The Council's Long Term Plan 2018-2028 reinforces to staff, and to the public, its commitment to transparency and engagement by stating:<sup>9</sup>

*Any engagement Council has with the community will be conducted in good faith and in an open, honest and transparent manner. Council will be clear about the scope and purpose of the engagement.*

...

*We have a duty to communicate our business in an open, transparent and democratically accountable manner with regard to the views of all of our communities through a variety of forums and channels.*

The Elected Members' Code of Conduct for the current triennium was due to be finalised in April 2020, but experienced a delay due to COVID-19. However, the Elected Members' Code of Conduct 2016-2019 (from the previous triennium) included the following:

*The effective performance of Council also requires a high level of cooperation and mutual respect between elected members and staff.*

It is positive to see this statement, as modelling these qualities and working together can increase public trust and confidence in the Council. My expectation is that elected members work with the Chief Executive and senior leadership to model openness and transparency in the work they do.

There has been recent media coverage of tensions between elected members. Fortunately, it appears that the Council's open culture and robust LGOIMA practices have continued, despite the political tensions.

## Decision making authority and strategic accountability

The Chief Executive of a local authority is the accountable decision maker on requests for official information.<sup>10</sup> However, for practical reasons, this authority is often delegated to other personnel, who should be sufficiently senior to take responsibility for the decisions made.

The Delegations Manual (last updated in September 2020) lists the following positions that have 'the authority to make a decision to withhold information, or refuse a request, in accordance with one of the grounds for withholding/refusal under the LGOIMA':

- every General Manager

---

<sup>9</sup> Link to Tauranga City Council's [Long Term Plan 2018-2028](#)

<sup>10</sup> See s 13(5) LGOIMA 1987.

- the Manager of Legal and Commercial
- the Team Leader of Legal
- the Corporate Solicitors
- the Manager of Democracy Services
- the Team Leader of Democracy Services

In relation to meetings, every General Manager, the Manager of Democracy Services and the Team Leader of the Committee Support team has been delegated the power to:

- exclude from the reports made available under section 46A(1) of LGOIMA, reports or items from reports that the Delegate reasonably expects the meeting to discuss with the public excluded; and
- indicate on each agenda the items that the Delegate reasonably expects the meeting to discuss with the public excluded.

The General Manager of People and Engagement has strategic accountability for LGOIMA requests, meeting administration, proactive release of information practices, and providing advice to elected members. The General Manager of Corporate Services has strategic accountability for records and information management.

The authorisations are clearly set out and staff are aware of who is responsible for making decisions on LGOIMA requests. In November 2019, the Chief Executive sent a *Marty's Message* email to staff, reminding them to familiarise themselves with the Delegations Manual.

## Elected member development

In 2019, my Office was invited to provide training to elected members on their roles and responsibilities in relation to official information. The Council also delivered a wide variety of training sessions to elected members on the Standing Orders, Code of Conduct and governance and decision making under the Local Government Act. There was an induction day for new Councillors, as well as an 'away day' attended by both senior leadership and Councillors.

A 2019 Elected Members Quick Guide includes a reference to the Public Records Act 2005,<sup>11</sup> and advice on what information and emails to save. The guide contains a series of frequently asked questions, including one that states:

*Can I forward TCC business emails to my personal email account and respond?*

*No. Any use of your private email address would be independent of TCC business.*

The training and guidance material indicate that elected members are informed that all information (such as emails and text messages) related to Council business can be requested under LGOIMA, and any requests made by elected members to the Council are subject to

---

<sup>11</sup> Link to the [Public Records Act 2005](#)



LGOIMA. The Democracy Services team also delivered a PowerPoint presentation to elected members to clarify the channels elected members have available to make requests.

I commend the Council's proactive approach. However, the Council should consider providing refresher training for all elected members on their responsibilities under LGOIMA. Refresher training could also include guidance on workshops and briefings (which I discuss under [Current practices](#)).

## Commitment to strengthening community engagement

Councils engage with communities in a number of ways. For instance, through consultation on particular projects, or more generally when conducting everyday council business.

Legislative requirements for consulting with the community are set out in section 82 of the Local Government Act 2002. These requirements 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 decisions of councils. The Council is improving its methods of engagement in relation to both consultation and its availability to the public for everyday council business.

A number of staff said in meetings that the Council is attempting to re-establish trust with the public, which they believe has eroded due to the handling of several controversial projects.<sup>12</sup>

As a result of these issues, the Council commissioned a series of project reviews by an independent consultant.<sup>13</sup> The purpose of these reviews was to determine whether certain projects were facing common issues and how to prevent the same issues from occurring in the future. A summary of the reviews then made five overarching recommendations, including one about changing the Council's culture from being task-focussed, *'to one that puts the community at the forefront of service provision.'*

Additional initiatives developed independently by the Council following the reviews included establishing a dedicated Engagement team, providing engagement training, developing a

---

<sup>12</sup> Links to:

[Review reveals new issues for Tauranga's Harington Street Transport Hub](#), NZ Herald, 9 March 2020.

[Bella Vista: Five revelations from the damning internal Tauranga City Council report](#), Bay of Plenty Times, 13 September 2019.

[Tauranga City Council approves \\$1 million overspend on airport terminal extension](#), Bay of Plenty Times, 17 May 2019.

[Damning findings in report into controversial Tauranga City Council projects](#), Bay of Plenty Times, 12 April 2019.

<sup>13</sup> Link to the [Independent review of projects undertaken by Tauranga City Council](#) (See: Agenda, Pt.2, p 273).

Community Relations Strategy<sup>14</sup> and an engagement toolkit, creating a channel framework<sup>15</sup> and reviewing the Significance and Engagement policy (which was last updated in 2014).

In addition to these changes, the Council has a Community Development team that is responsible for stakeholder analysis, and finding new ways to engage with the communities that it does not often hear from. An example of this is the use of offline tools to receive feedback from members of the community who do not have access to the internet. The Council is working to improve its physical footprint by using spaces like the Service Centre and Libraries to engage with these constituents.

The Council appears to be performing well in the area of frontline customer service delivery. Its Contact Centre received the *2019 Customer Experience Best Team of the Year* award from the Association of Local Government Information Management (ALGIM).<sup>16</sup>

The Council could make more of a connection between the purposes of LGOIMA and proactive release, and the Council's increased efforts to improve public engagement. Such an approach would demonstrate clear senior leadership commitment to the principles and purposes of LGOIMA. For example, the Council could link the Significance and Engagement policy, its Community Relations Strategy and communications strategy with the proactive release policy (the latter of which is currently being finalised) to recognise that proactive release is also a mechanism to improve engagement with council decision making. Linking these strategic documents would provide a strategic framework that demonstrates the Council's commitment to openness, transparency and public participation in decision making. I discuss the proactive release policy further under [Internal policies, procedures and resources](#).

Councils publish a wide range of information about their activities on their websites, which is important for engagement. Some of the information published is statutorily required. However, when my public survey asked if the Council publishes sufficient information on its website about the work it is doing, 65 percent of respondents said they '*somewhat disagree*' or '*strongly disagree*'. The implementation of a proactive release policy may help address this perception.

Overall, I commend the Council for making significant improvements to how it communicates and engages with the public.

## Opportunities for improvement

### Internal LGOIMA messaging

Fostering a culture that promotes good official information practices is the responsibility of senior leaders. One indicator of a council's internal culture of openness and transparency is

---

<sup>14</sup> The Council would like to note it is considering changing its use of the word 'customer' to 'citizen centred services' to better reflect community diversity.

<sup>15</sup> A channel framework describes the type of channels an agency uses to communicate with the public for different types of queries.

<sup>16</sup> Link to [City councils got the best customer service team](#), Sun Live, 23 September 2019.

whether there are regular, clear statements to staff reflecting a commitment to the principles and purposes of LGOIMA.

The Council was asked to provide examples of written communication (such as meeting minutes, screenshots from the intranet or emails) from senior leaders to all staff about the Council’s commitment to LGOIMA. The Council was unable to provide examples of these types of internal messages referencing LGOIMA.

When staff were surveyed, 51 percent of respondents said the Chief Executive was ‘moderately supportive’ or ‘strongly supportive’ of the Council’s commitment to its LGOIMA obligations. This is in comparison with an average of 73 percent across the other local government agencies I have investigated. Furthermore, 55 percent of staff survey respondents said the senior leadership team was ‘moderately supportive’ or ‘strongly supportive’ of the Council’s commitment to its LGOIMA obligations. This is in comparison with an average of 75 percent for senior leaders across the other local government agencies.<sup>17</sup>

I believe the Chief Executive and senior leaders could do more within the organisation, and publicly, to promote LGOIMA using visible and consistent messaging. Increased internal messaging may have a positive impact on staff members’ perception of senior leaders’ commitment to LGOIMA.

Leadership level	Strongly or moderately supportive LGOIMA messaging	Strongly or moderately negative LGOIMA messaging	‘They are silent on the issue’ or ‘don’t know’
Chief Executive	51%	1%	48%
Senior Leadership team	55%	3%	42%
Immediate Manager	68%	2%	30%

When asked about the Council’s LGOIMA policies, training and practices, some staff survey respondents said:

*There is a good culture at a senior leadership level but I have the sense that some (probably a minority) in our organisation are not as familiar with LGOIMA obligations as they should be and/or aren't as committed to those obligations, e.g. in holding and sharing information held by the Council*

*I've been here 3 years and there have been no messages from Council or Senior Leadership specifically referring to our obligations under LGOIMA and our commitment to meeting these obligations.*

I consider there is an opportunity for senior leaders to promote the importance of LGOIMA, and to link this to the broader themes of openness and transparency. One of the purposes of

<sup>17</sup> Numbers have been rounded to the nearest percentage.

LGOIMA is to enable the public to more effectively participate in local government decision making. Further promotion of these themes helps to ensure staff are not just ‘complying’ with LGOIMA, but understand more fully its broader purposes.

Senior leaders can actively promote the value of LGOIMA in their regular office communications (for example, in *Marty’s Message* or at the weekly stand-up with staff). The role of General Managers as authorised decision makers on LGOIMA requests (discussed above in [Aspects that are going well](#)) puts them in a strong position to champion LGOIMA by making examples of good practice visible within their business groups.

#### Action point

Senior leaders should make clear, visible and regular statements to staff about the importance of LGOIMA

### Prioritising information management and record keeping

In 2013, the Council conducted a restructure that merged information management with information technology under the umbrella of Digital Services. The position of Chief Information Officer changed to Chief Digital Officer. A number of staff said the restructure has resulted in less of a focus on information management and record keeping. A number of staff also perceive a lack of support from senior leadership in these areas.

The General Manager of Corporate Services is the Council’s executive sponsor for information management and record keeping. The Chief Digital Officer is also a sponsor at the tier three level. Some staff meeting attendees indicated there is limited visible, consistent messaging from senior leaders to all staff about the importance of information management and record keeping.

I would like to see senior leaders champion a culture reinforcing the importance of good record keeping practices and take an active role in the management of information. Senior leaders should actively promote the value of information management and record keeping in their regular office communications (for example, in *Marty’s Message* or at the weekly stand-up with staff), and highlight examples of good practice.

#### Action point

Senior leaders to champion sound information management and record keeping practices

### LGOIMA webpage

A council’s website is an integral communication tool. It is an invaluable means to enable and promote public participation, openness and accountability. Ideally, the website should enable residents to have easy access to council information. In this respect, a council’s website is another sign of its leaders’ commitment to the principle and purposes of LGOIMA. I am pleased the Council aims to review each webpage on its website every six months.

The section of the Council's website that provides information on LGOIMA is titled *Official information requests*,<sup>18</sup> and is located one click away from the homepage, under the heading *Council - Services, news & members*. I encourage the Council to consider whether this is an intuitive place to find LGOIMA information for the average user of its website.

While I am pleased there is a dedicated webpage for LGOIMA requests, the webpage could include further information that would prove useful to requesters. There are opportunities to improve the content of the LGOIMA webpage by including information such as:

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

The Public Service Commission also provides guidance on official information webpage content and structure that the Council may find useful.<sup>19</sup>

There are certain elements of the LGOIMA webpage that the Council should consider amending. Currently, it states:

*We aim to respond to LGOIMA requests within 20 working days.*

I suggest the Council revise this sentence to reflect that a decision on a LGOIMA request must be made '*as soon as reasonably practicable*',<sup>20</sup> or at the very latest, within 20 working days of the date the request was received. If a decision cannot be made in this timeframe, then a request can be extended for specific reasons.<sup>21</sup>

In relation to charging for requests under LGOIMA, the webpage states:

*We don't charge for requests under LGOIMA or the Privacy Act unless they will take a considerable amount of staff time or are repeat requests.*

The Council should consider adding more detail about charging for the supply of official information. As the Council uses the Ministry of Justice Official Information Act charging guidelines,<sup>22</sup> it could include a link to the Ministry of Justice webpage. The Council could also

---

<sup>18</sup> Link to Tauranga City Council's [Official information requests webpage](#)

<sup>19</sup> Link to the Public Service Commission [Agency Website Guidance](#)

<sup>20</sup> See s 13 LGOIMA 1987

<sup>21</sup> See s 14 LGOIMA 1987

<sup>22</sup> Link to the Ministry of Justice [Official Information Act charging guidelines](#), which '*represent what the Government regards as reasonable charges for the purposes of the Official Information Act and should be*

provide a link to the charging guidance produced by my Office.<sup>23</sup> I discuss the Council's charging policy and its application further under [Internal policies, procedures and resources](#).

Staff meeting attendees said the Council is keen to improve its reputation and would like to be seen as open and transparent. Therefore, the Council should consider amending the wording at the beginning of the webpage to reflect these values. In addition, the webpage currently states LGOIMA requests sent by post are to be addressed to the Legal Department. The Council ought to update this to the Democracy Services team to reflect current practice.

The Council has recently begun proactively releasing select LGOIMA responses deemed to be in the public interest. The responses can be accessed via a link to the *Official information requests* webpage. The Council could consider adding a separate heading to the *Official information requests* webpage to introduce the topic and draw more attention to where proactively released LGOIMA responses can be viewed.

It is positive that the contact details for the Democracy Services team are included on the *LGOIMA responses* webpage. The *LGOIMA responses* webpage also includes a search function, and responses are organised into monthly categories. However, when my investigators tried using the search function to find responses that had been published, it only returned the responses posted on the main page and not the ones within the monthly categories. I encourage the Council to assess the search function capabilities and ensure this feature is working as intended.

### Action points

Review and update the content of the *Official information requests* webpage

Ensure the search function on the *LGOIMA responses* webpage is working correctly

## Website accessibility

Digital accessibility is the process of making digital products, such as websites and mobile applications, accessible to everyone. A council with good digital accessibility allows people with disabilities<sup>24</sup> to participate in the actions and decisions of local government. Website accessibility also includes how easy information is to find on the Council's website.

As part of this investigation, I surveyed the public about the ease of navigating the Council's website to find information before making a LGOIMA request. Of those who responded to the survey, 56 percent said they found it '*somewhat difficult*' or '*very difficult*' to navigate the Council's website. Furthermore, one public survey respondent noted:

*followed in all cases unless good reason exists for not doing so.* I note these charging guidelines do not apply to local government, but may still be of assistance.

<sup>23</sup> Link to the Office of the Ombudsman [Charging guide](#), which explains when it is reasonable to charge, what an agency can charge for, what is a reasonable charge and how to charge.

<sup>24</sup> Such as those requiring language assistance, or those who have a hearing, speech or sight impairment.

*Web site is not fully accessible for people with disabilities - vision impairment, Deaf, etc*

One way the Council has attempted to improve accessibility is by purchasing the 2019 ALGIM Web Audit Results,<sup>25</sup> with the intention of implementing suggestions from the audit. The audit is completed annually for New Zealand's 78 councils and is '*undertaken to provide a stock-take and trends of how councils are tracking to comply with web standards, enhance accessibility, increase their digital services, engagement and website presence within the local government sector.*' I commend the Council's proactive approach.

The audit aligned with the results of my public survey, which found that locating information on the Council's website can be a challenge. However, once a user locates the information, the audit noted the Council's website provides '*usable information to answer a straightforward query*'.

When choosing the format for publishing information on its website, the Council has stated it does take audience accessibility requirements into consideration. Currently PDF and HTML are the most common formats used, and most PDF documents are searchable. However, these formats are not automatically accessible, so care must be taken to ensure they are compliant with accessibility standards.<sup>26</sup> The Council should also consider proactively publishing the 2019 ALGIM Web Audit Results on its website to support transparency and openness.

I encourage the Council to continue evaluating its website and consider any changes to make it more accessible. New Zealand's Digital Government website<sup>27</sup> provides guidance on improving website accessibility, as does as the Ministry of Social Development's Accessibility Guide.<sup>28</sup>

### Action point

Review and update the accessibility of the Council's website

## Job descriptions and performance framework

I am encouraged that a number of job descriptions contain a specific reference to LGOIMA compliance, but I note a number of key roles do not.<sup>29</sup> As stated above in [Aspects that are going well](#), each General Manager has the authority to make decisions on LGOIMA requests, as

<sup>25</sup> Link to the ALGIM [Web Audit](#) - results are based on:

- Self-Assessed Online Functionality (Snapshot)
- WCAG 2.0 Accessibility Audit (Blind Foundation)
- Enquiry Response Time Tests (ALGIM)
- Best Practice Review (conducted by ALGIM).

<sup>26</sup> Link to the Digital government [Web Accessibility Standard 1.1](#)

<sup>27</sup> Link to the Digital government [Accessibility webpage](#)

<sup>28</sup> Link to the Ministry of Social Development [Accessibility Guide](#)

<sup>29</sup> The job descriptions that contain a specific reference to LGOIMA compliance include Corporate Solicitor, Administrator of Legal, Manager of Democracy Services, Team Leader of Democracy Services, Democracy Services Advisor and Personal Assistant.



does the Manager of the Legal and Commercial team and the Team Leader of the Legal team. For consistency, I would expect any position that has the authority to make decisions on LGOIMA requests would also include a reference to LGOIMA compliance in the associated job description, key performance indicators, and/or professional development plan. Where staff are entrusted with LGOIMA decision making responsibility, compliance with LGOIMA is integral.

The Council will be instituting a new performance framework by the end of 2020. This is an opportunity to add compliance with LGOIMA to the framework, as well as key performance indicators. The inclusion of LGOIMA compliance will support the Council's internal messaging about the importance of LGOIMA for local government accountability, and provide an opportunity for senior leaders to demonstrate they are role modelling positive LGOIMA behaviours.

#### Action point

Incorporate LGOIMA compliance into the new performance framework and key performance indicators

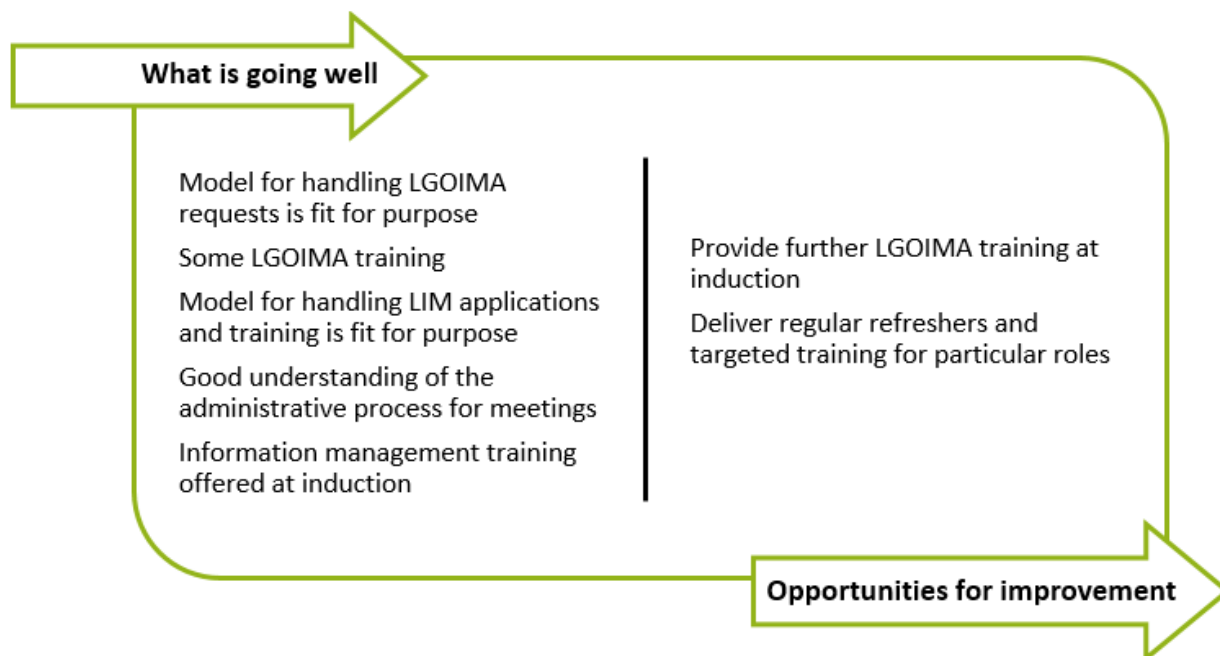
#### The Council's response

The Council commented that:

*...we are building a different performance framework and performance indicators will be allocated to appropriate teams.*

## Organisation structure, staffing, and capability

### At a glance



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

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

To assess the Council's organisational structure, staffing, and capability, I considered whether:

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

### Organisational structure

The Council is divided into six business groups, each with a General Manager who reports to the Chief Executive (and is a member of the Executive team). Each business group is further broken down into business areas.

The Customer Services Centre receives most information requests through emails, telephone calls and in person visits. The Customer Services Centre comprises three teams - the Service Centre, Contact Centre and Afterhours Contact Centre. Training is provided to new staff on

how to handle information requests, including in the form of e-training modules in Knowledgebase.<sup>30</sup>

If a request cannot be completed at the first point of contact, a Customer Services Centre staff member enters it as a Customer Contact Module (service request). The service request is then sent to the relevant department at the Council, or to an external contractor, for a response. The Council uses a system called Ozone to manage service requests. Approximately 85 percent of staff use Ozone on a daily basis. When the Customer Services Centre receives a LGOIMA request via phone or email, it is entered as a service request.

The Delegations Manual states that if a request for information can be answered within five working days of receipt, without any information being refused or withheld, the staff member who receives it will generally answer straightaway. According to the Official Information Request Procedure, a request for information should be sent to the Democracy Services team if it meets any of the following criteria:

- the request is for a substantial amount of information;
- the request is for information that is not already publicly available, and is about another person or organisation;
- the release of the information has the potential to pose legal, political, economic or reputational risks to the Council; or
- information may need to be withheld or refused.

Media information requests are processed by the Communications team, who aim to respond in time to meet a journalist's deadline (which is usually on the same day the enquiry is received). If a journalist asks for their request to be treated as a LGOIMA request, it is passed to the Democracy Services team for response if it cannot be answered straightaway. In other instances, staff members decide when to pass a media information request to the Democracy Services team.

## Aspects that are going well

### Model for handling LGOIMA requests

The Council has a fully centralised LGOIMA model. The Democracy Services team responds to official information requests, Privacy Act requests,<sup>31</sup> requests from elected members, and any new Ombudsman complaints or Privacy Act complaints. The team consists of two Democracy Advisors, one Administrator and a Team Leader who reports to the Manager of Democracy Services.

---

<sup>30</sup> Knowledgebase is an electronic subject and procedural database located on the intranet, which includes approximately 2,500 questions and is primarily used by the Customer Services Centre for responding to enquiries.

<sup>31</sup> Link to the [Privacy Act 1993](#)

Before the Democracy Services team was created in July 2019, the Legal team responded to official information requests. A staff meeting attendee said a full time LGOIMA team was required because of an expected increase in the number of requests due to the growth of Tauranga, and in order to build the Council's capacity to proactively release select LGOIMA responses online.

The coordination of LGOIMA requests is the responsibility of the Democracy Services team. Requests are tracked through the LGOIMA Register, which is a Microsoft Excel spreadsheet. Subject matter experts compiling the information for a response can ask the Democracy Services team for advice. If the Democracy Services team has questions, they escalate to the Legal team.

Any decisions to withhold information are consulted on in writing with the Legal team. Decision making on withholding information is recorded via email and filed in the information management system, known as Objective.<sup>32</sup> The Team Leader of Democracy Services is usually the final decision maker on what information is included in a LGOIMA response. If they are unavailable, the Manager of Democracy Services would assume responsibility. The Manager of Democracy Services signs all final LGOIMA responses, which are sent by the Democracy Services team and saved in Objective.

The model for handling LGOIMA requests appears to be fit for purpose, and LGOIMA timeliness rates have improved as a result (timeliness is discussed further under [Current practices](#)). Furthermore, since the creation of the Democracy Services team, the Council has started proactively releasing LGOIMA responses on its website (as discussed above in [Leadership and culture](#)) and reporting on LGOIMA request data (discussed further below under [Performance monitoring and learning](#)). In the meetings my investigators held with staff, there was a strong consensus the Democracy Services team is working well.

Prior to the creation of the Democracy Services team, elected member requests went to the General Managers. Now, elected members are able to request information by emailing the Democracy Services team through a dedicated email address for their use. A number of staff meeting attendees said that having the Democracy Services team as a single point of contact has proved to be a better system in terms of tracking queries, consistency of responses and building a knowledge base. The Democracy Services team are aware elected member requests are subject to the provisions of LGOIMA.

## Official information training

An *Introduction to record handling and compliance* eLearning module was launched in May 2020 and covers the basics of LGOIMA, the Privacy Act and the Public Records Act. My investigators reviewed the module and I am pleased that it includes:

- clarity around the purposes of LGOIMA;

---

<sup>32</sup> Link to [Objective](#)

- the principle of availability (information should be provided unless there is a good reason to withhold it);
- examples of common reasons for withholding information; and
- information about complaining to the Ombudsman if LGOIMA requests are fully or partially refused, or if timeframes are not met.

The module outlines that every staff member has a role in creating and storing documents in a manner that facilitates retrieval. A staff meeting attendee said the eLearning module will form part of induction for all future staff, including contractors and temporary staff. Current staff were also encouraged to complete the module, and as of August 2020, over 80 percent have. A staff meeting attendee noted further training on LGOIMA, the Privacy Act and the Public Records Act will be developed in the future.

The Democracy Services team receive training from subject matter experts in the Legal team as required. My Office was invited to provide LGOIMA training to the Council on 22 November 2019, which consisted of two sessions:

- a LGOIMA overview session (with five attendees from Democracy Services, five attendees from Legal Services, two attendees from Human Resources and two attendees from the Contact Centre); and
- a detailed session for LGOIMA practitioners (with five attendees from Democracy Services and five attendees from Legal Services).

In addition to this, the Team Leader of Democracy Services held two training sessions with teams from across the Council to refresh their knowledge of LGOIMA, and to advise them of the support available from the Democracy Services team when responding to LGOIMA requests. I commend the Council for the investment it has made in LGOIMA training. However, there are still some parts of LGOIMA training that can be strengthened, which I discuss further below under [Opportunities for improvement](#).

## Model for handling LIM reports and LIM training

The Service Centre processes LIM reports and the model appears to work well. Two LIM Officers on the Service Centre team process LIM reports full-time. One LIMS/Technical Advisor spends half of their workweek processing LIM reports. Five Technical Advisors are also cross-trained to process LIM reports. On an average day, approximately four staff from the Service Centre will process LIM reports, and this number can increase depending on demand.

LIM applications are received either online<sup>33</sup> or in person at the Customer Services Centre. Once a LIM application is received, a service request is created in Ozone. The service request is assigned to a staff member, who then compiles the documents and merges them into a LIM report. If there are questions about including information in a LIM report, the Legal team are

---

<sup>33</sup> Link to Tauranga City Council's [online LIM application](#)

available to provide advice. LIM reports are sent to the requester in an email through a secure file transfer protocol. A paper copy of a LIM report is an additional charge.

Every LIM report processed by a new staff member on the Service Centre team is peer reviewed for quality and accuracy before sending. There is also a peer review mechanism in place for experienced staff on the Service Centre team, who have one LIM report per week reviewed by another member of the team.

It is commendable that the Council recently reviewed its approach to LIM training. Prior to the review, training consisted of a general overview of section 44A of LGOIMA, as well as one-on-one training with experienced LIM staff. Now, an experienced LIM staff member provides comprehensive training on a full-time basis to new Service Centre staff.

During the COVID-19 lockdown, facilitation of the new LIM training programme occurred remotely via Skype. Experienced LIM staff guided new starters through a series of PowerPoint presentations, which outlined how to compile information for each section of a LIM report, as well as what information to include in each section. After the training session, new starters took a quiz and completed a number of tasks, which an experienced LIM staff member then checked.

In addition to the LIM training resources, the Council has a process map and a document providing guidance on what discretionary information should be included in a LIM report. A LIM report template and checklist are also available to assist staff who process LIM requests. All LIM guidance is thorough and written in a clear, 'plain English' style. Three LIM staff survey respondents said the template was the most helpful resource.

## Administration of Council meetings

The Council introduced an automated agenda management system called Infocouncil<sup>34</sup> in October 2019. Currently, only the Committee Support team (which comprises two Committee Advisors, an Administrator and a Team Leader) has access to Infocouncil.

The Committee Support team is responsible for creating agendas and taking minutes at Council and Committee meetings. Minutes are currently peer reviewed by the Team Leader of the Committee Support team and the Manager of Democracy Services, but will soon be peer reviewed entirely by the Committee Support Advisors.

Items on Council meeting agendas are accompanied by a report, which is generally drafted by an experienced staff member and reviewed by the relevant business group. Approximately two weeks before a meeting, the Executive team meets with the Manager of Democracy Services and the Team Leader of the Committee Support team to provide feedback and approve reports. At this time, a discussion is held on whether a report should be heard in the public excluded portion of the Council meeting. Usually the Executive team, specifically the General Manager responsible for the report, makes the final decision to recommend elected members go into public excluded.

---

<sup>34</sup> Link to [Infocouncil](#)

Training on Infocouncil was provided to the Committee Support team when the system was introduced, starting with agendas and minutes. A Business Analyst from Digital Services and the Team Leader of the Committee Support team ran training for the rest of the Council on the use of Infocouncil for report writing. A staff meeting attendee said the Council is planning further training on report writing that will focus on the content and language used in the reports. The Committee Support team, who are the 'champions' of Infocouncil, can answer any questions on how to use the system. The Digital Service Desk provides technical support for all users of Infocouncil.

An external provider delivered training on minute taking. However, the Communications team, in conjunction with the Team Leader of the Committee Support team, are also equipped to provide this training. Furthermore, an external provider delivered training on the Standing Orders for elected members and staff, and there has also been in-house training. Democracy Services staff also receive on-the-job training on Part 7 of LGOIMA.

## Information management and record keeping capability

It is important that an agency has the capability to discharge its official information and meeting obligations. Training on the Council's information management and record keeping practices is essential in order to facilitate the retrieval of information in response to a request.

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, which is sometimes a record. It is pleasing that the Council has a dedicated Enterprise Information Management team, and provides training on information management and record keeping.

In 2016/17, an Information Systems *Kete* project raised staff awareness about saving documents in Objective to improve record keeping. In 2018, the Council undertook another project to ensure staff save all documents in Objective, as opposed to saving documents on network drives. A staff meeting attendee said the Enterprise Information Management team undertook one-on-one training with some staff members who were reluctant to work in Objective, and showed them how to use the system.

The Council has been proactive about making it easier for staff to keep records of their emails. While staff should be saving emails in Objective, the Council recognises that some may inevitably be missed. An automatic email capture feature was added in Microsoft Outlook. This allows staff to create a folder in Outlook, and 'drag and drop' emails into the folder, which automatically saves them in Objective. Furthermore, staff can set up a feature where all emails sent will automatically be stored in Objective.

The Council provides training on information management and record keeping, which includes guidance on information retrieval as well as information storage. All staff receive basic information management training as part of the induction program, and this covers the use of Objective. A dedicated Records and Information Management Trainer delivers this training and oversees an Objective-specific email inbox for questions. Induction training covers the importance of good record keeping, and where and how to make sure information is kept



according to the Council's expectations. A staff meeting attendee said that the Records and Information Management Trainer regularly does 'floor walks' to check-in with staff and answer any questions. Staff can also approach the Enterprise Information Management team for help as needed.

Digital Services identified a gap in their training capability, and as a result are recruiting for a new position that will provide training to staff on the Council's other digital systems (not including Objective). While there is yearly refresher training on Objective and record keeping, based on the staff survey results, it does not appear all staff are aware of its availability. I would encourage the Council to find ways to better promote refresher training sessions to staff.

Finally, I am pleased the Council has planned further targeted training on the Public Records Act. It is important for the Public Records Act to be front of mind for the Council. The Enterprise Information Management team will deliver the new Public Records Act training.

## Opportunities for improvement

### Further LGOIMA training

The 2015 investigation by former Chief Ombudsman Dame Beverley Wakem, *Not a Game of Hide and Seek*, outlined that an effective training framework should encompass:<sup>35</sup>

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

As mentioned above under [Aspects that are going well](#), the eLearning module (introduced for all staff at induction) covers the basics of LGOIMA. When my investigation commenced, and prior to this eLearning module, there was no induction training on LGOIMA. The induction training could be further improved by including the following:

- an explanation that a LGOIMA request only applies to information already 'held' by the Council, and does not oblige the Council to create new information in order to respond to a request;
- an explanation that requests should be responded to '*as soon as reasonably practicable*';<sup>36</sup>

---

<sup>35</sup> Link to [Not a Game of Hide and Seek](#), December 2015, pp. 64-67.

<sup>36</sup> See s 13 LGOIMA 1987

- a reference to the 20 working day maximum statutory timeframe for a decision;
- an explanation of the extension provisions;
- an explanation of the public interest test, plus examples added for context; and
- further explanation of how LGOIMA requests are handled internally at the Council, such as who does the coordinating.

Providing comprehensive induction training to all staff can be an effective tool to emphasise the importance of responding to LGOIMA requests, and the priority it should be given. At the very least, staff ought to be aware that all of the information held by the Council, including any information they create, may be the subject of a request. Furthermore, if a member of the public asks them for information, their responses should be consistent with LGOIMA.

The Council should ensure that staff dealing with requests at the front line (such as the Customer Services Centre teams and Communications team) are provided with targeted training that is specific to their role. In addition, senior managers that are likely to have input into decision making should also receive targeted LGOIMA training. For instance, the Executive team makes the decision to recommend that reports be heard in the public excluded portion of Council meetings, which means they should be familiar with LGOIMA withholding grounds.

Although my Office provided detailed LGOIMA training to practitioners (as mentioned above in [\*Aspects that are going well\*](#)), I note that senior leaders did not attend this training. I encourage the Council to develop and introduce formalised training, delivered to all senior leaders, on a regular basis. This not only sends a clear message that senior leaders are committed to the principles and purposes of the Act, it also aids in the application of LGOIMA provisions (including the public interest test).

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

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

Senior managers should both encourage staff to attend the training, and attend themselves. As the Council is already aware, my Office is available to deliver tailored LGOIMA training, and can review training materials developed by the Council.

### Action point

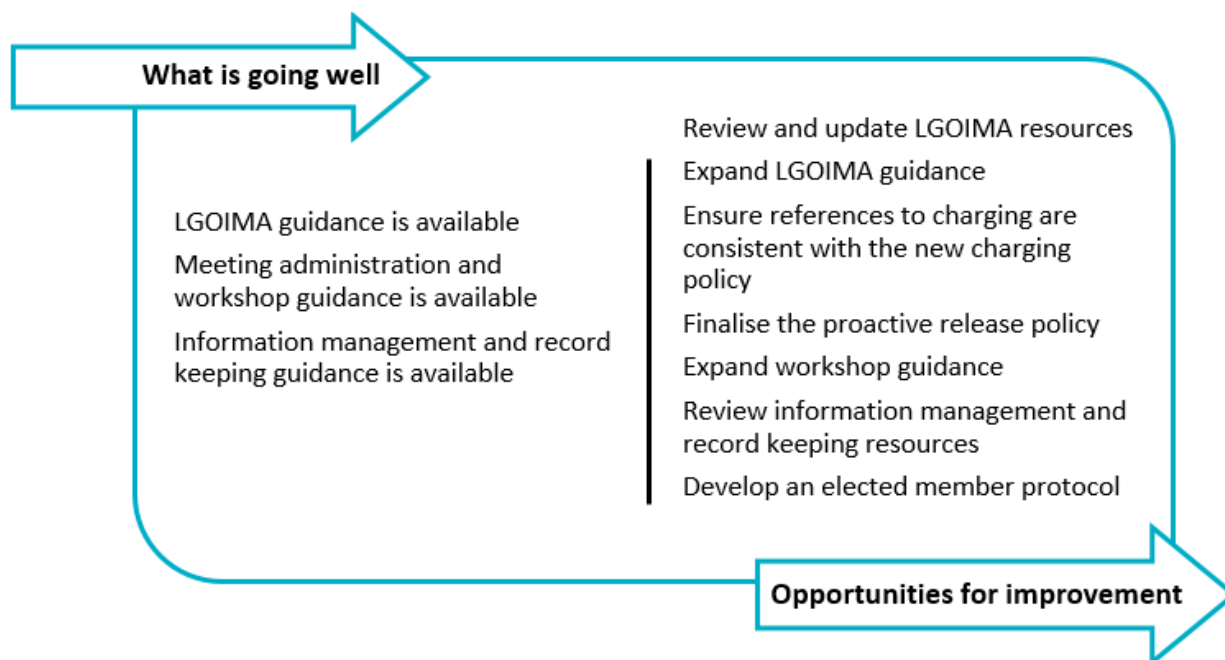
Continue developing the official information training programme to include more comprehensive induction training for all staff, as well as refresher courses and targeted training for specific roles

### The Council's response

The Council advised official information e-learning modules are on track and other new official information training is already in development.

## Internal policies, procedures and resources

### At a glance



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

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

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

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

## Aspects that are going well

### LGOIMA guidance material

There are several guidance documents available to staff that provide an overview of the Council's LGOIMA process, and of the legislation:

- The *Official Information Request Procedure* (last updated November 2018) includes the Council's operating procedure for LGOIMA requests (as well as a flowchart). It explains the Council's duty to provide reasonable assistance to a requester; that requests can be made verbally or in writing; that a reason must be provided if a requester asks for urgency (but the Council is not obligated to prioritise urgent requests); and that LGOIMA does not have to be referenced when a LGOIMA request is made. I am pleased to see the procedure states:

*Technically all requests for information fall within the ambit of the Local Government Official Information and Meetings Act 1987.*

- The *Summary of grounds for withholding information from a requester* includes the reasons for withholding information under LGOIMA, broken down by administrative reasons, conclusive reasons and other reasons.
- The *Process Request for Information – LGOIMA and/or Privacy* process map (last updated 2 December 2019) outlines how a LGOIMA request is handled by the Council from the day a request is received until the day a response is sent. It is clear and easy to understand. It also includes wording stating that all relevant software should be searched as required for a response (such as text messages and Skype messages).
- The *Advising Authors email* template is a commissioning email sent to the subject matter expert in the business group who collates the relevant information. It provides good guidance on internal timeframes, the due date of the response, and reminders about aspects of LGOIMA process.
- The *draft response* template is a template letter for LGOIMA responses based on the one developed by my Office.
- The *Democracy Services – Objective Filing Key and Tips* document is specific to the Democracy Services team. Each LGOIMA request has its own folder created in Objective. Within each LGOIMA request folder are eight sub-folders, representing stages in the response process. It also includes naming conventions for Objective folders and the information held in those folders.
- The *Knowledgebase - Official Information Requests* intranet page is for when frontline staff interact with LGOIMA requesters. The page reminds staff to '*Consider what timeframe is relevant to the requested information*', and provides the direct extensions of the Democracy Services team (in case a staff member needs to contact them with a question).

While not a LGOIMA guidance document per se, the *Tauranga City Council Media Relations Protocol* states that media enquiries are requests for information under LGOIMA. I am also pleased it states '*requested information must not be withheld unless there is reason to do so under LGOIMA.*' The Council may like to consider using similar wording in its Social Media Management policy, to reiterate that requests made through social media are requests for information under LGOIMA.

A staff meeting attendee said the Council is also developing a charging policy and a framework for managing unreasonable complaint conduct, both with an expected completion date of the end of August 2020.

I am encouraged that the Council has such comprehensive resources available. However, there are some improvements that could be made. Some information in the documents listed above requires updating, and the Council may benefit from consolidating some of the resources and making them more accessible to staff (so staff know what the resources are and where to find them). These issues are discussed further below under [Opportunities for improvement](#).

## Resources on meeting administration

In administering meetings, the Committee Support team relies on the Council's Standing Orders for guidance, along with LGOIMA and the Local Government Act. The Standing Orders also provide guidance to elected members.

As mentioned above in [Organisation structure, staffing and capability](#), meeting agendas are created and minutes are compiled in Infocouncil, a specialist software programme designed specifically for this purpose and used by a number of councils. With the introduction of Infocouncil, I suggest the process map document titled *Agendas* (last updated on 14 May 2019) is reviewed to ensure the processes outlined match current practice.

An Infocouncil user guide is available to staff who use Infocouncil for report writing. Infocouncil contains report templates and includes the provisions to be considered for a recommendation that the public be excluded for an agenda item. Report writers generate reports in Infocouncil, and managers peer review and sign off the reports electronically.

There is a provision in Infocouncil for a subsequent release date to be entered in association with each report. Revisiting material heard in public excluded to assess its suitability for release is discussed further under [Current practices](#). One-on-one assistance on an 'as-required' basis provides guidance for items that may be heard in public excluded. However, Democracy Services is developing a public excluded policy (including processes) with an expected completion date of the end of August 2020.

## Information management and record keeping resources

The Council has a range of useful documents related to information management and record keeping:

- policies: *Information Management Acceptable Use, Information Management and Records & Document Management*;

- procedures: *Information Creation, Capture & Disposal, Information Storage, Access & Use and Archives Management*;
- one-page reference sheets: *When to keep a Record* and *What is a Record*;
- Objective *Frequently Asked Questions* document;
- *IM Strategy and Roadmap* PowerPoint; and
- *2019 Elected Members Quick Guide* (discussed above in [Leadership and culture](#)).

Overall, the documents are sound. However, there is some information that should be revisited. This is discussed further below under [Opportunities for improvement](#).

The *Information Creation, Capture & Disposal* procedure states decisions (and deliberations leading to decisions) must be ‘*documented and captured by all staff as a Council record within Objective*’, including those made orally by telephone or in meetings. I commend the Council for its inclusion of the documentation of decision making. The importance of this concept is discussed further below under [Current practices](#).

The Enterprise Information Management team are developing a Retention and Disposal Schedule (with completion expected by the end of 2020). This will help the Council support its information management and record keeping practices. In the interim, if staff need to delete a document, it goes to a ‘waiting area’ monitored by the Enterprise Information Management team.

Created in June 2019, an information management ‘champions’ group meets every two to three months to discuss any issues affecting information management. The group comprises 16 staff members from across the Council. The Enterprise Information Management team use this group to deliver relevant messages for the ‘champions’ back to their teams. Any staff member can volunteer to be a ‘champion’ but they tend to be Personal Assistants and/or those who have a good grasp on the technology. New starters are encouraged to bring their information management questions to the ‘champion’ on their team. This is an excellent example of building the institutional knowledge of staff and is a practice that other councils should consider adopting.

## Opportunities for improvement

### Review and update LGOIMA guidance material

Of the staff survey respondents, 25 percent said that further guidance would assist them with handling LGOIMA requests. Several respondents suggested a list of LGOIMA resources, and where to find each resource, would be beneficial to help them identify the correct guidance document to use.

As stated above in [Aspects that are going well](#), while the existing guidance for staff on processing LGOIMA requests has some good features, it could be further improved. The Council should include high level principles such as:



- a commitment statement indicating the priority the Council ascribes to responding to requests for official information;
- what constitutes official information; and
- the purpose of official information legislation and the principle of availability.

LGOIMA guidance could also include key aspects to consider when responding to LGOIMA requests, such as:

- when transfers, extensions, third party consultation, clarifying or refining requests is appropriate, and the statutory time limits for these;
- the statutory timeframes for communicating a decision on a request and providing information, noting the distinction between these; and
- the agency's approach to vexatious or frivolous requests.

The Official Information Requests Procedure is currently being updated, with completion expected by the end of 2020. It is positive that the Council has taken this initiative, and I suggest the following amendments:

- ensure both the *Background* and *Relevant Delegations* sections are consistent with the Delegations Manual;
- ensure both the *Background* and *Operating Procedure* sections include the extension provisions of LGOIMA;
- update the *Operating Procedure* section to reflect that the Democracy Services team now handles LGOIMA requests (and make any subsequent changes to that section in relation to the creation and operation of the Democracy Services team);
- ensure the *Operating Procedure* section guidance on charging aligns with the charging policy (this is discussed further below under [Charging](#)); and
- ensure the content of this document aligns with the *Process Request for Information – LGOIMA* and/or Privacy process map.

Another LGOIMA guidance document that requires updating is the document titled *Summary of grounds for withholding information from a requester*. The list 'Administrative reasons for refusal - section 17' and 'Other reasons for refusal - section 7' does not correspond with the correct sub-sections in LGOIMA, which could lead to confusion for a staff member who is unfamiliar with the legislation. Furthermore, while this document includes the reasons for withholding information, there is limited guidance on how to consider or apply those reasons, or how to apply the public interest test (where relevant).<sup>37</sup>

---

<sup>37</sup> Links to the relevant guidance on [my website](#) could assist.

The draft response template is mostly consistent with the template letter developed by my Office.<sup>38</sup> However, the Council's template includes sentences about the amount of staff time spent on a LGOIMA request, and possible charges for future requests made:

*This LGOIMA took staff approximately \_\_\_ hours to complete, the cost of which equates to \$\_\_\_ (\$\_\_\_ x \_\_\_ hours). Please note that any further requests on the same issue may incur a charge.*

I appreciate that these sentences may be used as a mechanism for managing frequent and repeat requesters. However, I encourage the Council to consider whether the routine inclusion of these sentences in all responses might deter the recipients from making further requests, which is contrary to the purpose of LGOIMA.

I am concerned that the *Knowledgebase - Official Information Requests* intranet page states:

*We will make a decision within 20 working days on whether your request is to be granted.*

This should be reworded to state that LGOIMA requires a decision on a request 'as soon as reasonably practicable',<sup>39</sup> and no later than 20 working days from the date a request is received (unless an extension is made).<sup>40</sup>

While not a LGOIMA guidance document per se, the Council's Media Relations Guideline (last updated 18 February 2015) should be revised to reflect that the Council is governed by LGOIMA and not by the Official Information Act 1982.

When reviewing LGOIMA guidance documents, the Council should consider whether it would be helpful to consolidate some or all of them into an overarching official information policy, which would allow staff to find all LGOIMA information in one place. If staff are dealing with a complex request, further guidance is available on my Office's website, which the Council can also incorporate into its own.

Finally, all LGOIMA resources should be periodically reviewed so they are up-to-date and fit for purpose. My Office is available to assist with reviewing resources.

### Action points

Consider consolidating the current LGOIMA resources into an overarching official information policy to facilitate ease of use

Review and update LGOIMA guidance material; in particular include high level LGOIMA principles and key aspects to consider when responding to LGOIMA requests

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

<sup>38</sup> Link to my [Template letter 6: Letter communicating the decision on a request](#)

<sup>39</sup> See s 13 LGOIMA 1987

<sup>40</sup> See s 14(1)(a) and (b) LGOIMA 1987

### The Council's response

The Council advised that consolidating current LGOIMA resources into an overarching official information policy is underway.

## Charging

Under section 13(1A) of LGOIMA, councils can make reasonable charges for supplying official information. The *Operating procedure* section of the Council's Official Information Requests Procedure states:

*If a request is;*

- *from a repeat requestor; or*
- *likely to take more than two hours to process; and/or*
- *involve copying/printing more than 40 pages.*

*The staff member responsible for responding to the request must consult with General Manager: CE's Group within 3 working days of receiving the request, to determine if a charge should be applied.*

Following a LGOIMA file review, my investigators found several requests took more than two hours to complete and/or involved more than 40 pages of information. No charging occurred in these instances, and there were no records showing that any consultation had occurred to determine if a charge should be applied. Furthermore, the agency questionnaire and meetings with staff established that the Council rarely, if ever, charges for information requests.

As stated above in [Aspects that are going well](#), the Council is developing a separate charging policy. This will ensure there is up-to-date guidance on how the Council makes a decision to charge for information. I suggest the Council link its charging policy to the Ministry of Justice Official Information Act charging guidelines<sup>41</sup> and my charging guide.<sup>42</sup> Once the charging policy is finalised, the Council should update the *Operating procedure* section of the Official Information Requests Procedure so it aligns with the policy. Finally, the Council ought to consider publishing its charging policy on the LGOIMA webpage.

### Action points

Once the Council has finalised its LGOIMA charging policy, ensure references to LGOIMA charging in other guidance material is consistent with the policy

Consider publishing the Council's charging policy on the LGOIMA webpage

<sup>41</sup> Link to the Ministry of Justice [Official Information Act charging guidelines](#). I note these charging guidelines do not apply to local government, but may still be of assistance.

<sup>42</sup> Link to the Office of the Ombudsman [Charging guide](#)

### The Council's response

The Council advised that the LGOIMA charging policy is complete, and I note there is a link from the Council's LGOIMA webpage to a *LGOIMA fees and charges* webpage.

### My comment

The link on the Council's LGOIMA webpage to the *LGOIMA fees and charges* webpage is titled '*Legal service fees*', which might confuse a requester. I suggest this title be updated to better reflect the contents of the *LGOIMA fees and charges* webpage.

## Finalise the proactive release policy

The proactive release of information to the public promotes good governance and transparency, and fosters public trust in councils. It also has administrative benefits, such as a reduction in requests for information that is already publicly available.

While the Council does publish a range of information on its website outside of the minimum statutory reporting requirements of the Local Government Act,<sup>43</sup> in the absence of a proactive release policy, deciding what information should be in the public domain can be an ad-hoc exercise. Therefore, it is useful to have a policy framework regarding proactive release of information in order to regularise and embed its practice. A proactive release policy also complements an official information policy.

A staff meeting attendee said the Council is in the process of developing a policy guiding the proactive release of information. The policy could form part of the Official Information Requests Procedure, which is due for completion by the end of 2020 (as mentioned above in [Review and update LGOIMA guidance](#)). As part of the proactive release of information section of the Official Information Requests Procedure, LGOIMA responses are reviewed for potential release. Content from Knowledgebase, which is not already on the Council's website, could be considered for proactive release as well.

Section 4.4 Access of the Records & Document Management policy states:

*Confidential information is not to be made available to the public without going through a formal Local Government Official Information and Meetings Act (LGOIMA) request and process.*

While it is positive that the Records & Document Management policy reminds staff of LGOIMA, the sentence is not consistent with a proactive release framework. If information is marked as

---

<sup>43</sup> Under the Local Government Act 2002, councils are required to make certain documents publicly available, such as their Annual Plan, Long Term Plan and fees.

confidential, it should not automatically disqualify it from proactive release. Instead, a 'confidential' marking should be one factor used in the consideration of its release. Essentially, the Council's policies, procedures and resources should all be built on a foundation of openness, namely, that information should be released unless there is a good reason to withhold it. I suggest rewording the statement to align with the intention of promoting availability of information through proactive release.

I recognise the focus the Council has placed on identifying the mechanisms for increased engagement with the public (as discussed above in [Leadership and culture](#)). Proactive release is another key mechanism to facilitate meaningful engagement, and a policy would ensure material is published in a consistent manner. The Council should consider linking the proactive release policy to the Community Relations Strategy, Significance and Engagement policy and communications strategy, in recognition of the importance of the proactive release of information as another way to promote public engagement in Council decision making.

#### Action points

Finalise the proactive release policy

Consider how a proactive release policy can be linked to the Council's Community Relations Strategy, the Significance and Engagement policy and communications strategy

## Workshop guidance

It is common for councils to conduct workshops or briefing sessions for elected members in relation to complex or technical issues. They are forums for learning and discussion, and because they are not forums for decision making, such sessions are not required to be held in accordance with LGOIMA meeting provisions. However, adequate records should still be kept.

Councils should adopt a standard approach to recording information about workshops both as a matter of good practice and in accordance with the Public Records Act.<sup>44</sup>

The Council has Standing Orders that provide guidance to staff on workshops. I am pleased to note *Appendix 11: Workshops* of the Standing Orders states:

*A written record of a workshop should be kept and include:*

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

The Council should consider expanding its written guidance for workshops to include the ways in which these records will be made available to the public (for example, released proactively), that information generated as part of the workshop should be kept (such as agendas, memos,

<sup>44</sup> See s 17(1) Public Records Act 2005

presentations or notes taken by elected members), and that information about workshops can be requested under LGOIMA.

I note that the Council provides a workshop record template to the workshop facilitator to assist with record keeping. However, a staff meeting attendee said the return of this document to the Committee Support team for filing in a *Workshops* folder in Objective does not always occur. Therefore, I suggest the guidance also include direction on who is responsible for the workshop record and where it should be saved.

#### Action point

Expand the guidance on workshops to ensure information generated as part of a workshop is kept; include where the record is to be saved, how the record will be made available to the public, and that information about workshops can be requested under LGOIMA

## Review information management and record keeping resources

As outlined above in [Aspects that are going well](#), the Council has several guidance documents for records management. I have identified a number of improvements that could be made to these documents:

- update the *Information Management* policy to note privacy and confidentiality are withholding grounds under LGOIMA, and that any information withheld must be weighed against the public interest;
- update the *Records & Document Management* policy to state that under the principle of availability,<sup>45</sup> information should be made available unless there is good reason to withhold it;
- ensure the *Information Storage, Access & Use* procedure reflects that the Democracy Services team handles both elected member requests and LGOIMA requests; and
- ensure the *Archives Management* procedure reflects that the Democracy Services team handles LGOIMA requests.

The *Information Management Acceptable Use* policy states the following:

**Official Information** means any information held by Tauranga City Council in written, verbal, graphic, electronic or any other form, of or related to any business of Tauranga City Council.

While it is positive that official information is defined, LGOIMA does not state it needs to be of, or related to, any business of a council, and I therefore suggest this is amended.

The Council does not appear to provide any record keeping guidance to staff on the use of personal emails, instant messages or text messages. I suggest the Council either create guidance on this topic, or add guidance on this topic to a current resource.

<sup>45</sup> See s 5 LGOIMA 1987

I suggest adding dates to all resources that do not already have them, so it is evident when periodic reviews and updates should be completed. Furthermore, the Council should review information management and record keeping resources on a yearly basis, or when significant change has occurred. For example, the Council is aware the *Records & Document Management* policy (dated 19 April 2006) is due for an update.

#### Action points

Review and update information management and record keeping resources

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

#### The Council's response

The Council advised that these action points form part of a consolidated action plan and are already underway.

### Elected member protocol

A LGOIMA protocol for elected members is an approach that would encourage consistency in practice, reinforce LGOIMA training received by elected members, provide clarity around roles and responsibilities, and future proof current practices. A protocol 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;
- LGOIMA responses in which consultation and/or notification is appropriate and how that will be carried out (see [Current practices](#)); and
- information held by elected members in their official capacity is information 'held' by a Council, and therefore covered by LGOIMA.

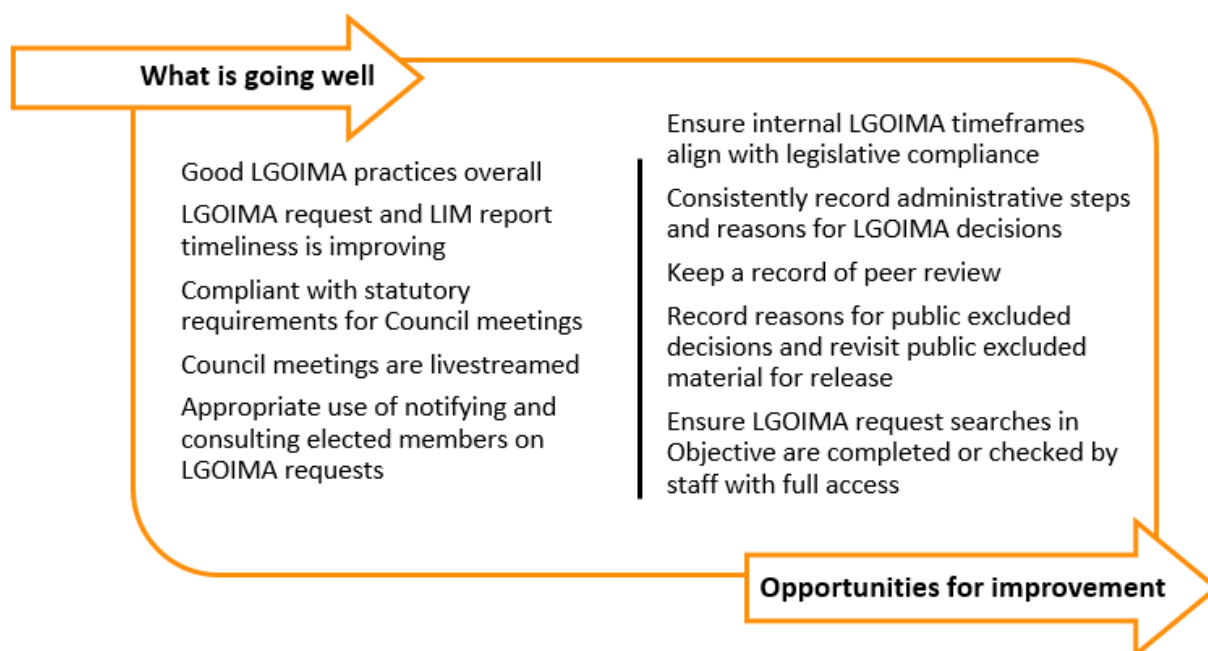
#### Action point

Consider developing a LGOIMA protocol for elected members



## Current practices

### At a glance



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

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

To assess the current practices of the Council I consider whether:

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

### Aspects that are going well

#### LGOIMA response timeliness

From 1 July 2018 to 30 June 2019, the Council completed 303 LGOIMA requests. In 23 instances, a decision was made and communicated outside the 20 working day statutory timeframe, for a timeliness rating of 92.4 percent.

During the course of this investigation, the Council identified a period within this timeframe where the 20 working day statutory timeframe was miscalculated due to human error. A staff meeting attendee said that the issue has since been remedied because the LGOIMA Register spreadsheet now has a formula that calculates the statutory timeframe based on the date a LGOIMA request is received. The spreadsheet has taken into account the public holidays for the Bay of Plenty, until 2021.

Since the introduction of the Democracy Services team in July 2019, the Council's LGOIMA timeliness rate has continued to improve. For example, from 1 September 2019 to 29 February 2020, the Council's timeliness rating rose to 97.6 percent. Given meeting the maximum timeframe for response is a legal requirement, I look forward to further efforts by the Council to move towards 100 percent compliance.

## LGOIMA practices

To gain an understanding of the processing of LGOIMA requests, my investigators reviewed a random selection of recent LGOIMA request files. I was pleased to see that the Council assists requesters to refine their requests by providing reasonable assistance.<sup>46</sup> This ensures requests are specified with '*due particularity*'.<sup>47</sup> It was also evident from the files that the Council is aware of alternative release formats for making information available in multiple ways, such as giving a requester a reasonable opportunity to inspect a document in person.<sup>48</sup>

The file review also identified a small number of practice issues that the Council proactively addressed. In one instance, a reference to the ability to complain to the Ombudsman was not included in a LGOIMA response where information was refused, and in other instances, my contact details were not included in LGOIMA responses where information was withheld. The Council now uses a draft response template for LGOIMA requests that includes both a reference to making a complaint to the Ombudsman, and my contact details.

My investigators also noted other examples of good LGOIMA practices. The Democracy Services team holds a daily morning meeting to assign newly received requests, discuss their approach to each request and monitor team workloads. A number of staff at meetings said these catch-ups work well, and help to identify requests that might require clarification or escalation. This practice also ensures there are resilience arrangements in place, as staff can cover for each other in the event of an absence.

The Democracy Services team receives support from the Executive team when LGOIMA requests require escalation, and the process appears to work well. A Democracy Advisor follows up with the subject matter expert in the business group who is collating the information via telephone, and then email. If these contact attempts are unsuccessful, the Team Leader of Democracy Services sends an email to the General Manager of the business group.

---

<sup>46</sup> See s 11 LGOIMA 1987

<sup>47</sup> See s 10(2) LGOIMA 1987

<sup>48</sup> See s 15(1) LGOIMA 1987

A staff meeting attendee said the Democracy Services team always questions the need for withholding information, and each LGOIMA request is assessed based on its own merits. Redaction (removing words from text) is what occurs when information is withheld from documents. The redaction software currently used by the Democracy Services team is PDF Exchange Editor. The Council is testing a redaction tool for the Democracy Services team to use within Objective that will allow the team to redact material from Objective documents directly within the system.

### LIM report timeliness

From 1 July 2018 to 30 June 2019, the Council issued 3356 LIM reports. This compares to 2564 LIM reports issued for the previous year (1 July 2017 to 30 June 2018). As this data shows, the Council received an unexpected increase in the number of LIM applications. This led to a drop in the timeliness rate. The Council states the increase was due to several real estate agencies ordering LIM reports for every property they were selling.

For the period of 1 July 2018 to 30 June 2019, in 3097 instances, LIM reports were issued within the 10 working day statutory timeframe. In 259 instances, LIM reports were not issued within the 10 working day statutory timeframe. Therefore, the Council had an overall timeliness rate of 92.3 percent. However, I do note the Council sets its own timeliness target for urgent residential three working day LIM requests, which it met 98 percent of the time.

The Council said staff responded to the sudden increase in requests by telephoning LIM applicants if their application was to be processed outside the timeframe. The telephone calls allowed staff to work with each LIM applicant based on their needs, and the Council received no complaints regarding delays during this time. The Council has addressed the timeliness issue by recruiting additional staff, and as of January 2020, timeliness was back to 100 percent.

### Council meeting practices

The Council has demonstrated it is compliant with the statutory requirements for public notification of meetings, publication of agendas, and issuing minutes. The Council website has a meeting schedule (in calendar form) with known Council and Committee meeting dates for the year. The Council also notifies the public<sup>49</sup> about planned meetings and extraordinary meetings (when those arise) in the local Bay of Plenty Times newspaper.<sup>50</sup> If it is not possible to make the publication deadline for the Bay of Plenty Times due to the time constraints of holding an extraordinary meeting, an advertisement for the meeting appears as soon as possible in the Bay of Plenty Times after the meeting has occurred.

Agendas are published within the statutory timeframe of two working days prior to the relevant meeting.<sup>51</sup> Once confirmed, meeting minutes are available on the Council's website

---

<sup>49</sup> See s 2 LGOIMA 1987 for a definition of 'publicly notified'

<sup>50</sup> See s 46(3) LGOIMA 1987 - amended in March 2019 to provide that if notice of an extraordinary meeting is not possible to publish in a newspaper prior to the meeting, publication on the Council's website will be sufficient to count as a valid notice

<sup>51</sup> See s 46A LGOIMA 1987

along with any supplementary information tabled at the meeting. The Council meeting minutes appear comprehensive and contain the information listed in [Appendix 2](#). The Standing Orders require minutes to record, *'all divisions taken and, if taken, a record of each members' vote'*, which the Council does. In addition, the Council has a public forum at the beginning of meetings, and public submissions from the forum are included in the minutes.

Council meetings are livestreamed, which ensures an accurate record of the public portion of the meeting is immediately available. Livestreaming benefits the community by making the accessibility of meetings more inclusive for those who are not able to attend in-person.

## Elected member involvement

LGOIMA decisions must be made by the Chief Executive or any *'officer or employee'* authorised by the Chief Executive.<sup>52</sup> Elected members (Mayors or Councillors) are not *'officers or employees'*, and are not permitted to make decisions on LGOIMA requests. However, elected members may be consulted before the Council makes a decision on a request.<sup>53</sup>

Based on meetings my investigators had with staff, it was clear that staff understand the boundaries between governance and operations when dealing with LGOIMA requests. Management of consultation and notification to elected members happens on a case-by-case basis. Consultation only occurs if a request directly relates to an elected member. Notification sometimes occurs as a courtesy for media requests or significant issues, with a copy of the LGOIMA response provided to elected members at the same time as the requester.

## Opportunities for improvement

### Processing of LGOIMA requests

While many aspects of the Council's processing of LGOIMA requests reflect good practice (as outlined in [Aspects that are going well](#)), during the review of LGOIMA files my investigators found some issues that could be addressed.

The Council provides an acknowledgement email to requesters, but it does not include details of the Council's understanding of the information requested. To align with best practice, I suggest the Council use an acknowledgement letter template, such as the one produced by my Office,<sup>54</sup> to ensure those details are included in the future. This helps to ensure at the earliest possible stage that the Council and the requester are in agreement as to the nature of the information requested.

As mentioned above in [Internal policies, procedures and resources](#), the Democracy Services team sends a commissioning email to the LGOIMA request subject matter expert in the business group (who collates the relevant information). The email is sent as soon as possible

---

<sup>52</sup> See s 13(5) LGOIMA 1987

<sup>53</sup> See s 13(6) LGOIMA 1987

<sup>54</sup> Link to the Office of the Ombudsman [Template letter 1: Acknowledgement letter](#)

after a LGOIMA request has been received and logged. However, subject matter experts have 15 working days to provide information for a LGOIMA response back to the Democracy Services team.

While I understand the importance of internal deadlines for managing workloads, the Council should be mindful that a LGOIMA request requires a decision to be made and communicated '*as soon as reasonably practicable*'.<sup>55</sup> The 20 working day statutory timeframe is the very latest in which requesters can expect to receive a decision (unless an extension is made).<sup>56</sup> Therefore, I suggest a revision of the timeframes in the commissioning email to reflect this.

### Action points

Consider using an acknowledgement template letter, such as the one from my Office

Revise internal timeframes to ensure that decisions are being made '*as soon as reasonably practicable*'

### The Council's response

The Council stated they are now using an acknowledgment letter template for LGOIMA requests.

## Consistent documentation of decision making on LGOIMA requests

It is important for councils to keep records of its decision making processes on LGOIMA requests for a number of reasons. Documenting decision making enables councils to provide grounds in support of reasons for refusing a LGOIMA request, as well as allowing a review of any decision either internally or by my Office.

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

- the information that was considered and any reason for refusing the request;
- if information is withheld under section 7(2) of LGOIMA, how the public interest test in section 7(1) was considered;
- if the requested information involved a third party, the consultation that took place with that third party and how the third party's views were considered; and
- the administrative steps in relation to processing the LGOIMA request, such as the search undertaken, the time taken to collate documents and any detail around charging.

<sup>55</sup> See s 13 LGOIMA 1987

<sup>56</sup> See s 14(1)(a) and (b) LGOIMA 1987

It is positive that decision making on LGOIMA requests is generally documented by the Council within emails which are saved in Objective, and in the 'notes' column of the LGOIMA Register spreadsheet used by the Democracy Services team. However, there are some inconsistencies.

A review of LGOIMA request files indicated that staff were not saving a record of the consideration of public interest factors (when withholding information under section 7 of LGOIMA) in approximately 50 percent of cases. In addition, staff were not saving a record of the steps taken to try to locate the information when requests were refused on the basis that the information does not exist or cannot be found (under section 17(e) of LGOIMA) in approximately 50 percent of cases. While it is encouraging that these practices are occurring on some occasions, the Council ought to ensure they occur consistently. As discussed below, good [peer review](#) and [quality assurance](#) would also ensure inconsistencies of practice are identified.

I also note that the Council records its decision making on a Microsoft Excel spreadsheet. Due to the volume of requests received by the Council, and the vulnerability of Excel spreadsheets when storing a large amount of data, it may not be most appropriate system to use. I am pleased the Council has advised that it will be replacing the spreadsheet with an appropriate digital tool that can be used as a database (for information capture) and for workflow management. The Council states it has arranged meetings to scope this project, but it is still at the beginning stage of the project, with no estimated completion date.

### Action points

Ensure consistent recording of the reasoning behind LGOIMA decisions, including any consideration of the public interest

Ensure a consistent record of the administrative steps taken in relation to LGOIMA requests

## Peer review

Peer review is an important part of council management to maintain checks and balances. It creates a culture of openness and transparency around LGOIMA decision making process.

Staff meeting attendees said that the two Democracy Services Advisors peer review each other's LGOIMA responses and the Team Leader of Democracy Services completes a final peer review. My investigators were advised the Council intends that LGOIMA responses will be peer reviewed entirely by the Democracy Services Advisors in the near future. However, following the review of LGOIMA file samples, my investigators were unable to find evidence that all LGOIMA responses were being peer reviewed.

I encourage the Council to record the peer review process for LGOIMA responses. This could be as simple as a checklist to document the elements reviewed, including, but not limited to:

- the identified information requested;
- the reasons for the decision on a request;
- who made the decision on the request, and whether the signatory reflects this;

- that a record of the decision making process has been kept in the correct place;
- that all aspects of the request have been responded to; and
- compliance with statutory obligations.

### Action point

Keep a record of the peer review process

## Council meetings

Agendas and their attachments are uploaded through Infocouncil to the Council's website in advance of Council and Committee meetings. However, when a presentation is scheduled to be delivered in a meeting, there is no option in Infocouncil for uploading the presentation to the website in advance. The Council has said it is exploring workarounds so all the information presented at meetings is available to the public before the meeting.

Section 48 of LGOIMA states a local authority may exclude the public from meetings on certain grounds. The Council has not historically had a practice of revisiting and considering at a later date the release of reports and material heard in the public excluded portion of Council meetings. However, as mentioned above in [Internal policies, procedures and resources](#), with the introduction of Infocouncil, there is a provision for a release date to be entered in association with each report, which triggers consideration of whether or not to subsequently release the report. A staff meeting attendee said the Council has also commenced work on a policy to guide the revisiting of public excluded material. I commend the Council for this initiative. Once the policy is finalised, the successful implementation of the practice will greatly aid transparency.

Currently, the decision making process on items to be heard in public excluded is not being recorded. It is important a record is kept including any consideration of the public interest against the withholding grounds.

### Action points

Consider how council meeting presentations can be made available on the Council's website in advance of meetings

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

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

## Workshop practices

As discussed in [Internal policies, procedures and resources](#), it is common for councils to conduct workshops or briefing sessions about complex or technical issues on which elected members will later be required to debate and make decisions.



When my investigators met with Council staff, it was evident they had a clear understanding about the use of workshops not being forums for decision making. It is also important for elected members to be aware that a workshop or briefing is not an appropriate forum for debate.

In order to gain a full picture of the public perception of the Council, I invited the public to answer a survey about its LGOIMA practice. Although I did not receive a large number of responses,<sup>57</sup> a few respondents to the public survey raised concerns about access to information from Council workshops, and the perception Councillors came to meetings with matters already decided after attending a workshop. For example:

*Recent contentious issues seem to have been made without public reference, consideration, and input. Indications are that they have not been held in a public forum and important matters are being dealt with informally.*

*They appear to attend public meetings with premeditated plans, people have told me this happens, I have heard / had conversations that lead me to believe this happens, that they (councillors) on occasion have already decided on a matter prior to public meetings, staff have already decided and councillors simply rubber stamp the said recommendations and avoid / discourage public discussion of options.*

Several staff meeting attendees said that prior to the lockdown, ‘executive briefings’ were held and attended by elected members and the Executive team as another way to share information. However, as these ‘executive briefings’ were not called ‘workshops’, they were not advertised or open to the public. This is contrary to Appendix 11 of the Standing Orders (updated on 10 March 2020), which state:

*Workshops, however described, provide opportunities for members to discuss particular matters, receive briefings and provide guidance for officials.*

The Standing Orders also state:

*All workshops will be open to the public except for when good reason is provided. Good reason to exclude the public being broadly consistent with those outlined in Part 1 of the Local Government Official Information and Meetings Act 1987.*

I am concerned that ‘executive briefings’ are being treated differently to ‘workshops’ even though their purpose is the same. There is clear guidance contained in the Standing Orders to ensure workshops are open to the public, but executive briefings appear not to be, simply due to a change in terminology. I would encourage the Council to consider executive briefings being open to the public, to ensure they are treated the same as workshops. Records should also be kept of any informal meetings.

---

<sup>57</sup> There were 63 responses to the public survey in total. Any comments should be balanced against the total population of the electorate.

### Action point

Ensure the practice of holding informal meetings aligns with the Council's Standing Orders and ensure adequate records are kept

## Searching, finding and collating information on requests

Council staff need to be able to access documents in order to effectively respond to LGOIMA requests. The Council should have appropriate record keeping and information management practices so staff are able to identify, assess and collate information that has been requested under LGOIMA.

Any staff member at the Council can undertake a search of Objective. However, only three staff members on the Enterprise Information Management team have full administrative access to the system. Generally, a LGOIMA request which requires a full Objective search (such as a request for all information on a topic), will be sent to the Enterprise Information Management team. All other LGOIMA requests are sent to subject matter experts who conduct their own search of Objective.

The Council has minimal written guidance informing staff that they have limited access to Objective. There is a Frequently Asked Questions document, which includes a one page section titled *How do I search in Objective?* The section does state '*For further assistance and specific details on how to search contact [internal Council email address]*'. Although this provides information on contacts for further assistance, it does not clearly state that staff do not have access to all information in Objective, and some information may not show up when they do a search of Objective. One staff meeting attendee said that staff are informed of this at induction training.

I am concerned that when searching Objective staff could potentially miss information that is within the scope of a LGOIMA request (if the request includes information from outside their subject area). This creates a risk that relevant information may not be included in a LGOIMA response because staff are unaware that the information exists. Staff can seek help from the Enterprise Information Management team if they require assistance finding information for a LGOIMA request. However, they would need to be aware that information is potentially missing from their search. The Council should consider whether the information about the search limitations of Objective provided at induction is sufficient, or whether further guidance and training for staff on how to undertake Objective searches for LGOIMA requests is required.

One staff meeting attendee suggested adding a sentence to the commissioning email template advising staff that some information may not show up in an Objective search, and that the Enterprise Information Management team can be contacted to assist with the search. This could be a practical way to help alleviate the issue.

The risk of missing information relevant to a request could be further mitigated by ensuring more staff have full administrative access to Objective (such as providing full access to the Democracy Services team). Staff members given full administrative access should then conduct all Objective searches for LGOIMA requests (or check that the searches completed by staff

without full access are accurate). As mentioned above in [Documenting decision making on LGOIMA requests](#), it is also important to record the administrative steps taken for searches. This could include the name of the staff member that conducted the search, what systems were searched and what terms or keywords were searched.

When a LGOIMA request seeks 'all emails' on a given subject, only the Head of Department (Practice and Operations) in Digital Services has the ability to complete a full search of staff email accounts (including emails of staff who have left the Council). This is a vulnerability, as the staff member responsible for this task completes these searches in addition to their core role. In order to build resilience the Council should consider training additional staff on how to conduct full email searches.

### Action points

Consider providing further guidance and training on conducting searches of the information management system *Objective*

Remind staff they may not have access to all documents in the information management system *Objective* that fall within scope of a request

Consider providing more staff with full access to the information management system *Objective*

Ensure all information management system *Objective* searches for LGOIMA requests are undertaken, or checked, by staff with full access

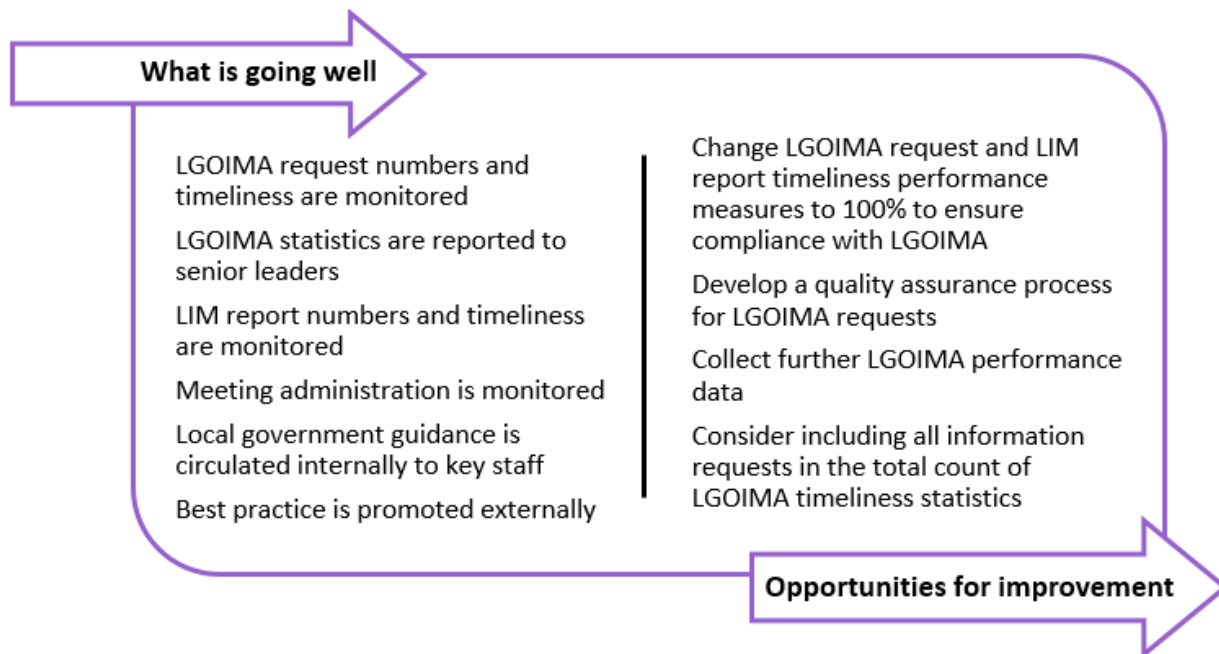
Train more staff on how to conduct full email searches

### The Council's response

The Council commented that it will increase the access for the Democracy Services team in the information management system *Objective*.

## Performance monitoring and learning

### At a glance



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

Ombudsmen have consistently advocated maintaining a full audit trail in respect of any decision made by an agency. Making decisions under LGOIMA is no different. Once this information is recorded, agencies have a wealth of information that can be used to inform business planning and future decisions concerning access to information, but only if it is captured in a way that is meaningful, facilitates subsequent analysis, and regular monitoring and reporting occurs.

To assess performance monitoring and learning of the Council in respect of its LGOIMA obligations, I considered whether:

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

## Aspects that are going well

### Monitoring LGOIMA requests

The Council has two organisational performance measures for official information. One target relates to the percentages of LGOIMA requests that meet the maximum statutory timeframe (98 to 100 percent) and the other relates to the number of LGOIMA complaints to the Ombudsman about timeliness. As compliance with the 20 working day statutory timeframe is a legal requirement of LGOIMA, this target should be changed to 100 percent to ensure compliance with the law.

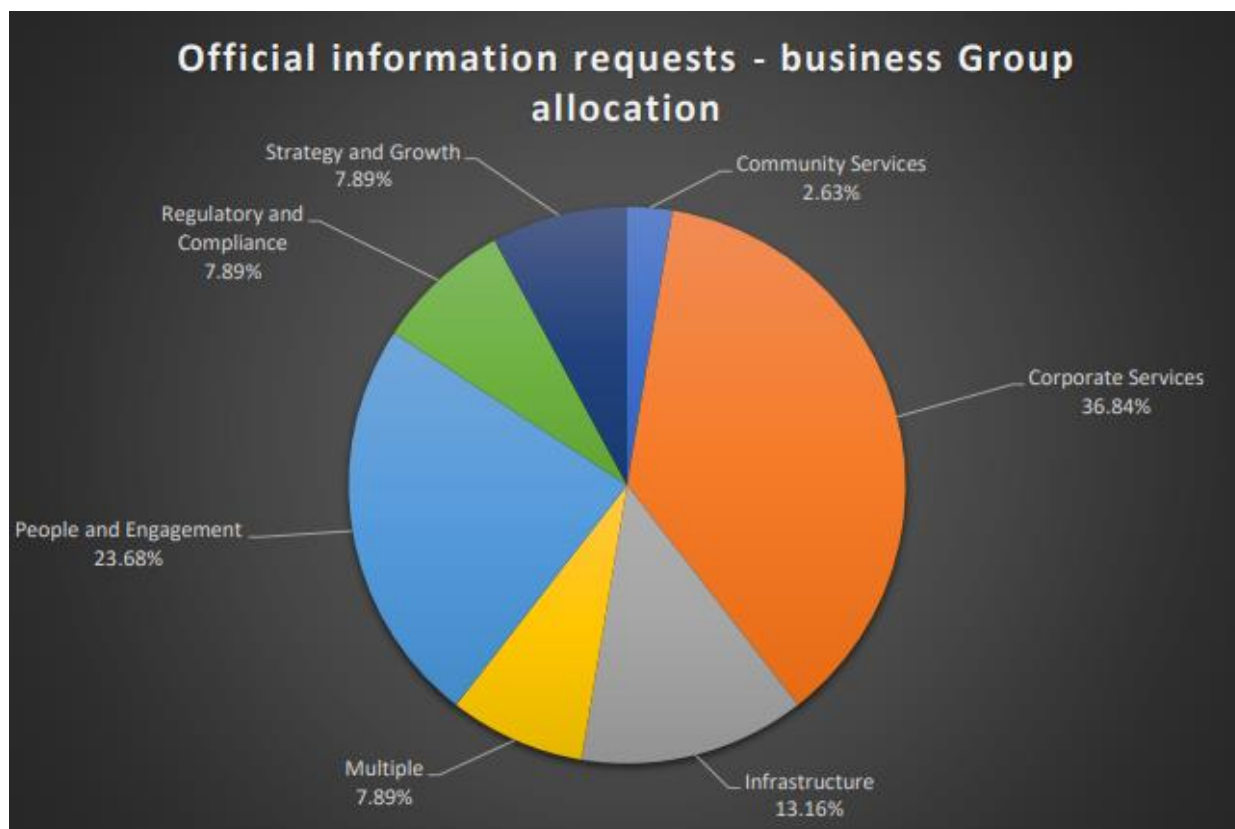
A Quarterly Report on LGOIMA requests, Privacy Act requests and elected member queries is provided to the Executive team and the Finance Audit and Risk Council Committee. The report data comes from the LGOIMA Register spreadsheet and elected member queries spreadsheet. The Executive team uses this report to provide information to the business groups, and shares the report with staff at stand-up meetings.

The Quarterly Report compares data by quarter, and details the following information in written form about LGOIMA requests:

- the number of requests received in the current quarter (broken down by LGOIMA requests and Privacy Act requests) compared to the number of requests received in the previous quarter, and whether requests have increased or decreased;
- whether any requests from the current quarter are still to be finalised, and whether there were any follow-up requests for information;
- the outcome of requests (how many requests were partially withheld, refused or transferred), and how many requests were extended;
- the timeliness percentage of requests responded to within the maximum statutory timeframe in the current quarter compared to the previous quarter, and if the timeliness decreased, why;
- the number of LGOIMA responses resulting in complaints to the Ombudsman, and the number of LGOIMA responses where a requester signalled to the Democracy Services team they intended to make a complaint to the Ombudsman;
- multiple (repeat) requesters versus single requesters; and
- the time spent processing requests (which is a work in progress) and how much that equates to in a dollar amount.

Further information is provided in graphs, including the requester type and allocation of requests by Council business group and business area.

The Quarterly Report is a work in progress and will continue to be updated as more data is tracked. Below is an example of one of the '*Information Request Graphs (LGOIMAs and Privacy Act requests)*' used to relay information in a visual format:



I am impressed with the Council's approach to reporting LGOIMA data, as it is important to keep an agency's Executive team informed of trends in LGOIMA performance. Reporting of this nature ensures any pressures, compliance issues, training needs and opportunities for proactive release of information receive appropriate attention and discussion at a senior level. I would encourage the Council to continue providing quarterly reports to the Chief Executive and more regularly to senior leadership. Reports can also cover risks and issues, and where necessary recommend additional resource for the Democracy Services team (in order to manage, for example, an increase in LGOIMA workload).

In addition to the LGOIMA data reported above, the LGOIMA Register spreadsheet collects the following data:

- the name of the requester, the date the request was made and the subject of the request;
- the name of the Democracy Services team member to whom the request was allocated and the name of the business area staff member to whom the request was allocated;
- action taken and notes;
- key dates such as the follow-up date, extension date, date due to the Democracy Services team, date due to the requester, date the request was responded to and the number of days taken to respond; and
- the Objective ID.

While I am encouraged by LGOIMA reporting the Council is currently undertaking, the Council could consider whether the data recorded on the number of days taken to respond to a LGOIMA request be included in future Quarterly Reports.

The Democracy Services team also sends a weekly email to the Executive team with LGOIMA requests and/or elected member queries of which the Executive team should be aware. This email is sent on the Thursday prior so requests can be discussed (if required) at the Executive team's weekly stand-up briefing on Mondays. The Team Leader of Democracy Services is available to answer any questions arising from the briefing.

#### Action point

Amend the performance measure for LGOIMA requests to 100% timeliness to ensure compliance with LGOIMA

### Monitoring LIM reports

The following performance measures are in place for LIM reports:

Performance measure	Timeliness percentage (goal)
LIM 10 day statutory timeframes are met	99
LIM 3 Day urgent timeframe is met	90-95

As compliance with the 10 working day statutory timeframe is a legal requirement of LGOIMA, this target should be changed to 100 percent to ensure compliance with the law.

The Projects, Services and Operations (PSO) Committee receives a Monitoring report on the Council's performance against these targets every six weeks.

The Service Centre team records data on the number of LIM applications received, the number of LIM reports issued, and whether the 10 working day statutory timeframe or internal timeframe (for three working day LIM reports) was met. Point-in-time comparisons by year are used to track trends. The Manager of Customer Services and respective team leaders receive a monthly report of data extracted from the LIM Stats spreadsheet.

#### Action point

Amend the performance measure for LIM reports to 100% timeliness to ensure compliance with LGOIMA

### Monitoring meeting administration

The following performance measures are in place for meeting administration:



Performance measure	Timeliness percentage (goal)
Agendas available on the Council's website within the statutory timeframe of two working days before the meeting	100
Draft minutes of Council and Committee meetings are completed within seven days following the relevant meeting	90-95
Minutes of all public meetings are available within 14 days of a meeting at which they are confirmed	90-95

The Finance, Audit and Risk Committee receives a report on how the Council is performing against these targets every three months.

Public notification of meetings within the statutory timeframe is a key performance indicator. The Council also tracks how many viewers watch the livestreamed meetings, but does not report this information. Infocouncil will soon be used for tracking items heard in public excluded to revisit for subsequent release.

## Other initiatives

The Council tracks statistics, measures customer satisfaction and plans performance in a number of other ways. Monitoring and reporting occurs on a range of LGOIMA related data, such as customer service requests (by the Contact Centre and Afterhours Contact Centre teams), property file requests (by the Service Centre team) and media information requests (by the Communications team).

Several teams within the Council use a Net Promoter Score to gauge customer satisfaction. For instance, after a customer has submitted an online LIM application, the final screen will auto-populate a question such as, *'On a scale of one to ten, how likely are you to recommend this to a friend?'* The results of the Net Promoter Scores are contained in the General Manager Report to the PSO Committee and a staff meeting attendee said that feedback from the survey has led to customer service improvements. I encourage the Council to consider whether the Net Promoter Score would be a useful tool for surveying LGOIMA requesters on their experience, in order to make improvements to the LGOIMA request process.

In addition, the Democracy Services business area has a 2020 work plan with a 'placeholder project', intended to implement the action points from this investigation. I commend the Council's proactive approach and commitment to the improvement of LGOIMA practices. The Executive team has agreed to the project plan and the General Manager of People and Engagement and the Manager of Democracy Services are the project sponsors.

## Sharing guidance and promoting best practice

The Council has some systems in place to share official information learning and experience. For instance, reports I publish on official information practice investigations are disseminated through email by the Democracy Services team and the Legal team. The Democracy Services team also frequently refers to the information and guidance on my website. External guidance,

such as information from Local Government New Zealand, is shared via email with any Council team to whom it is relevant. The Council is on the Society of Local Government Managers (SOLGM) mailing list, and use the newsletters to stay up-to-date with new legislation and policies.

Council staff and teams are also involved in sharing and promoting best practice externally. The Chief Digital Officer is a member of ALGIM and the Team Leader of the Service Centre is a member of the SOLGM LGConnect discussion group on LIM requests.<sup>58</sup> The SOLGM LGConnect discussion groups are online communities *'linking local government professionals across the country...allowing you to get in touch with others in your field to discuss issues, ask for advice and share relevant information.'*

Furthermore, it is pleasing that the Enterprise Information Management team meets with the information management teams of nearby councils and District Health Boards every three to four months to discuss relevant information management issues. The Chief Archivist made a special guest appearance to speak at one of these meetings in December 2019.

## Opportunities for improvement

### Monitoring quality

An important part of performance monitoring is that it enables an agency to learn from previous practice in order to inform future practice. At present, there are no quality assurance processes in place at the Council for official information requests. There is merit in the Council developing a more formalised quality assurance system to ensure consistency of decision making and the identification of risk. In the case of LGOIMA requests, this might include a random check of closed files on a periodic basis. Having a robust quality assurance process for LGOIMA requests will further supplement a formal peer review process, as suggested in [Current practices](#).

#### Action point

Develop a formal quality assurance process for LGOIMA requests

### Collection of further LGOIMA performance data

The Council records the following information within individual LGOIMA files, but does not report it:

- the reason for transfers and extensions;
- the number of charges made and collected, and the dollar amount of charges made and collected;
- whether requesters are consulted prior to refusal under section 17(f) of LGOIMA;

<sup>58</sup> Link to SOLGM LGConnect [LIMs discussion group](#)

- whether elected members were consulted on, or notified of, a LGOIMA decision;
- third party consultation; and
- whether a response was proactively published.

For instance, whether a third party was consulted and which third party was consulted might be written in the ‘*Action taken*’ or ‘*Notes*’ column of the LGOIMA Register spreadsheet. However, retrieving this information still requires a manual search, as there is no specific column for capturing it. The Council may like to consider capturing the data in a way that would allow for ease of retrieval, reporting and analysis in the future. This would also support learning.

I also encourage the Council to include the number of information requests from the Communications team and Customer Services Centre, as well as elected member requests and property file requests, in the total LGOIMA request data. By not including this information (as all of these requests are LGOIMA requests), this results in an incomplete picture of the Council’s reporting of LGOIMA timeliness compliance. The accuracy of reported rates of compliance with LGOIMA timeliness obligations would likely be increased with the inclusion of media, public, elected member and property file information requests.

#### Action points

Consider capturing the additional LGOIMA request data in a way that allows for easy retrieval, reporting and analysis

Consider including Customer Services Centre, media, elected member and property file requests in the total count of LGOIMA timeliness statistics

## Appendix 1: LGOIMA practice investigation terms of reference

---

This document sets out the terms of reference for a self-initiated investigation by the Chief Ombudsman into the practices of Tauranga City Council relating to the Local Government Official Information and Meetings Act 1987 (LGOIMA).<sup>59</sup>

### Purpose of the investigation

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

The investigation will include consideration of the Council's supporting administrative structures, leadership and culture, processes and practices, including information management public participation, and proactive release of information to the extent that these relate to achieving the purposes of the LGOIMA.

The investigation will identify areas of good practice, and make suggestions for improvement opportunities if any areas of vulnerability are identified.<sup>60</sup>

### Scope of the investigation

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

- Leadership and culture
- Organisation structure, staffing and capability
- Internal policies, procedures, 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,

---

<sup>59</sup> See sections 13(1) and 13(3) of the Ombudsmen Act 1975 (OA).

<sup>60</sup> Formal recommendations under the OA will only be made if the Chief Ombudsman forms an opinion that a decision, recommendation, act, or omission by the agency was unreasonable or contrary to law under section 22 of the OA.

it would be prudent to. The investigation will also consider how the agency administers Part 7 Local Authority meetings. The investigation will not consider decisions taken by full council (committee of the whole).<sup>61</sup> However, in relation to decisions by full council, the reasonableness of any advice provided by officials or employees, on which the decision was based, may be considered as part of the investigation.

The investigation will not consider the processes and decision making of Council Controlled Organisations (CCOs) or Community Boards (CBs), as they are separate statutory entities and are subject to obligations under the LGOIMA in their own right.<sup>62</sup> 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 responses<sup>63</sup>
- consultation on requests, to ensure the process is managed appropriately.

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

If evidence emerges concerning specific examples of LGOIMA 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.

---

<sup>61</sup> See s13(1) Ombudsmen Act 1975

<sup>62</sup> Council Controlled Organisations are subject to Parts 1-6 of LGOIMA see section 74 of Local Government Act 2002.

<sup>63</sup> The decision must be made by the Chief Executive or any officer or employee authorised by the Chief Executive (see section 13(5)). Elected members (mayors or councillors or members of boards) are not officers or employees and are therefore not permitted to make decisions on LGOIMA requests.

## Information gathering

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

## Desk research

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

## Surveys

The following surveys will be conducted:

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

## Meetings

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

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

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

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

## Other

A review of the Council's intranet.

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

## Fact checking

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

## Reporting

### Draft report

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

The Chief Ombudsman is required to consult with the Mayor or Chairperson before he forms his final opinion, if the Mayor or Chairperson so requests.<sup>64</sup>

### 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.

---

<sup>64</sup> See section 18(5) Ombudsmen Act 1975.



## Appendix 2: Key dimensions and indicators

### Introduction

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

[Leadership and culture](#)

[Organisation structure, staffing and capability](#)

[Internal policies, procedures and resources](#)

[Current practice](#)

[Performance monitoring and learning](#)

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

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

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

## Leadership and culture

Achieving the purposes of the Local Government Official Information and Meetings Act 1987 (the Act) largely depends on the attitudes and actions of leaders, including elected members<sup>65</sup>, chief executive, senior leaders and managers within the agency.

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

Elements	Things to look for (indicators)
Elected members, chief executives, senior leaders and managers demonstrate a commitment to the agency meeting its obligations under the Act and actively foster a culture of openness within the agency.	<ul style="list-style-type: none"> <li>✓ Chief executives, leaders and the relevant elected members work together to promote a culture of positive LGOIMA compliance and good administrative practice</li> <li>✓ Senior leaders make clear regular statements to staff and stakeholders in support of the principle and purposes of official information legislation, reminding staff of their obligations</li> <li>✓ Senior leaders demonstrate clear knowledge and support of the Act's requirements</li> <li>✓ Senior leaders encourage staff to identify areas for improvement and provide the means for suggesting and implementing them when appropriate</li> <li>✓ Senior leaders make examples of good practice visible</li> <li>✓ A visible and explicit statement exists about the agency's commitment to openness and transparency about its work.</li> </ul>

<sup>65</sup> Elected members are not subject to LGOIMA, but they do hold information that is subject to the Act, and they are requesters under the Act. The expectation is that they model openness and transparency in the work that they do, and demonstrate a commitment to compliance with the legislation in order to secure the public's trust and confidence in the local authority.

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

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

## Organisation structure, staffing and capability

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

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

Elements	Things to look for (indicators)
Agency has the capacity to discharge its official information obligations, and obligations around local authority meetings, with clear and fully functioning: <ul style="list-style-type: none"> <li>• roles;</li> <li>• accountabilities;</li> <li>• reporting lines;</li> <li>• delegations; and</li> <li>• resilience arrangements.</li> </ul>	<ul style="list-style-type: none"> <li>✓ An appropriate, flexible structure exists to manage official information requests and obligations around local authority meetings which is well resourced reflecting the:               <ul style="list-style-type: none"> <li>– size of the agency</li> <li>– number of requests received (and from whom, public, media, other)</li> <li>– number or percentage of staff performing official information and meeting functions in the agency</li> <li>– percentage of time these staff are also required to undertake other functions</li> <li>– need to respond within statutory time limits</li> <li>– use of staff time, specialisations, structural resilience.</li> </ul> </li> <li>✓ Roles and responsibilities are clearly defined:               <ul style="list-style-type: none"> <li>– Specific responsibility exists for coordinating, tracking and monitoring official information requests and agency decisions (and ombudsman decisions), and there is the authority and support to ensure compliance<sup>66</sup></li> <li>– Decision makers are sufficiently senior to take responsibility for the decisions made and are available when required, and if not, resilience arrangements exist.</li> <li>– The official information function is located in an appropriate unit or area within the agency that facilitates effective working relationships with relevant business units (for example, media and legal teams).</li> </ul> </li> </ul>

<sup>66</sup> This indicator is also relevant to performance monitoring and learning.

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

## Internal policies, procedures and resources

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

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

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



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

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

## Current practices

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

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

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

## Performance monitoring and learning

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

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

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

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

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

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

### Row 1 (steps 1 to 3)

Box 1: Notification of investigation to Council 21 October 2019 / Box 2: Desk research, including a review of information on the Council's website, and information held by my Office on the Council's LGOIMA practice / Box 3: Circulation of surveys to: - council staff, - LIM staff, - elected members, - stakeholders and public November – January 2019

### Row 2 (steps 4 to 6)

Box 4: Council response to agency questionnaire 10 December 2019 / Box 5: Meetings with key staff / Box 6: Assessment of all information against key indicators

### Row three (steps 7 to 9)

Box 7: Provisional Opinion provided to Chief Executive for comment 16 November 2020/ Box 8: Final Opinion presented to Council 16 December 2020 / Box 9: Final Opinion tabled in Parliament and published on the [Ombudsman website](#) February 2021



## Appendix 4. 'Lifting LGOIMA performance at Tauranga 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.

### Leadership and Culture (green circle)

- Ensure senior leaders highlight the importance of LGOIMA, information management and record keeping
- Revise LGOIMA webpage content
- Review website accessibility
- Incorporate LGOIMA compliance into new performance framework

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

- Continue developing the official information training programme to include more comprehensive induction training for all staff, as well as refresher courses and targeted training for specific roles

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

- Consider consolidating LGOIMA resources
- Review and update LGOIMA, information management and record keeping guidance
- Consider publishing the charging policy
- Finalise the proactive release policy
- Expand guidance on workshops
- Ensure LGOIMA, information management and record keeping resources are regularly reviewed and updated
- Consider developing a LGOIMA protocol for elected members

### Current practices (orange outline)

- Consider using an acknowledgement letter
- Revise internal timeframes

- Ensure consistent recording of administrative steps and reasons for LGOIMA decisions
- Keep a record of the peer review process
- Record reasons for public excluded decisions and revisit material for release
- Ensure information management system searches are completed or checked by staff with full access
- Train more staff on conducting full email searches

### Performance monitoring and learning (purple outline)

- Amend the performance measure for LGOIMA requests and LIM reports to 100% timeliness
- Develop a formal quality assurance process
- Consider capturing the additional LGOIMA request data
- Consider ways to include LGOIMA requests handled by the media and other teams in LGOIMA statistical reporting

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

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

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

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

What is going well	Opportunities for improvement
<ul style="list-style-type: none"> <li>• Good commitment to openness and transparency both internally and externally</li> <li>• Decision making authority for LGOIMA requests is appropriate</li> <li>• Elected members receive LGOIMA training</li> <li>• Commitment to improving community engagement</li> </ul>	<ul style="list-style-type: none"> <li>• Improve internal communication from senior leaders on LGOIMA</li> <li>• Senior leaders to champion information management and record keeping</li> <li>• Review and update LGOIMA webpage</li> <li>• Review and update Council website accessibility</li> <li>• Include LGOIMA compliance in new performance framework and key performance indicators</li> </ul>

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

What is going well	Opportunities for improvement
<ul style="list-style-type: none"> <li>• Model for handling LGOIMA requests is fit for purpose</li> <li>• Some LGOIMA training</li> <li>• Model for handling LIM applications and training is fit for purpose</li> <li>• Good understanding of the administrative process for meetings</li> <li>• Information management training offered at induction</li> </ul>	<ul style="list-style-type: none"> <li>• Provide further LGOIMA training at induction</li> <li>• Deliver regular refreshers and targeted training for particular roles</li> </ul>

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

What is going well	Opportunities for improvement
<ul style="list-style-type: none"> <li>• LGOIMA guidance is available</li> <li>• Meeting administration and workshop guidance is available</li> <li>• Information management and record keeping guidance is available</li> </ul>	<ul style="list-style-type: none"> <li>• Review and update LGOIMA resources</li> <li>• Expand LGOIMA guidance</li> <li>• Ensure references to charging are consistent with the new charging policy</li> <li>• Finalise the proactive release policy</li> <li>• Expand workshop guidance</li> <li>• Review information management and record keeping resources</li> <li>• Develop an elected member protocol</li> </ul>

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

What is going well	Opportunities for improvement
<ul style="list-style-type: none"> <li>• Good LGOIMA practices overall</li> <li>• LGOIMA request and LIM report timeliness is improving</li> <li>• Compliant with statutory requirements for Council meetings</li> <li>• Council meetings are livestreamed</li> <li>• Appropriate use of notifying and consulting elected members on LGOIMA requests</li> </ul>	<ul style="list-style-type: none"> <li>• Ensure internal LGOIMA timeframes align with legislative compliance</li> <li>• Consistently record administrative steps and reasons for LGOIMA decisions</li> <li>• Keep a record of peer review</li> <li>• Record reasons for public excluded decisions and revisit public excluded material for release</li> <li>• Ensure LGOIMA request searches in Objective are completed or checked by staff with full access</li> </ul>

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

What is going well	Opportunities for improvement
<ul style="list-style-type: none"> <li>• LGOIMA request numbers and timeliness are monitored</li> <li>• LGOIMA statistics are reported to senior leaders</li> <li>• LIM report numbers and timeliness are monitored</li> <li>• Meeting administration is monitored</li> <li>• Local government guidance is circulated internally to key staff</li> <li>• Best practice is promoted externally</li> </ul>	<ul style="list-style-type: none"> <li>• Change LGOIMA request and LIM report timeliness performance measures to 100% to ensure compliance with LGOIMA</li> <li>• Develop a quality assurance process for LGOIMA requests</li> <li>• Collect further LGOIMA performance data</li> <li>• Consider including all information requests in the total count of LGOIMA timeliness statistics</li> </ul>

Document ends