

Charge for supply of board minutes

Legislation	Official Information Act 1982, s 15(1A)
Agency	Accident Compensation Corporation
Ombudsman	David McGee
Case number(s)	177195
Date	May 2009

Cannot charge for administrative costs associated with the way an agency chooses to process a request—charge reduced—no remission of charge in the public interest or due to personal hardship

ACC charged \$3,438 to supply 87 sets of board minutes dating from 2000–2007, and the requester complained to the Ombudsman.

ACC explained that the charge comprised labour costs of \$3,268 and photocopying costs of \$170. This was based on an estimated processing time of 30 minutes per board minute for *‘deleting the protected information, collating the material into a reasonable form, drafting a schedule explaining the grounds for withholding the protected information, and photocopying the altered documents’*.

The Ombudsman found that some of these tasks were not activities that can be charged for, and that a revised estimate of 20 minutes processing time per board minute would be more reasonable. He noted that the primary cost of processing would come from decision making, and that the Government Charging Guidelines are clear this cost cannot be passed on to the requester. He did not accept that it was necessary to *‘collate the material into a reasonable form’*. Other than the making of minor deletions, no further work was required to release the board minutes in a *‘reasonable form’*. He also did not accept it was necessary to create a schedule explaining the withholding grounds: *‘This may be a particular agency’s preference, but the cost of creating this should not be passed on to the requester’*. The Ombudsman formed

the provisional opinion, which was accepted by ACC, that the labour component of the charge should be reduced to \$2128.

The requester argued the entirety of this charge should be remitted in light of the public interest, and due to personal hardship.

In terms of the public interest, the Ombudsman accepted that disclosure of the minutes would promote transparency and contribute to public understanding of the organisation's activities. However, the request covered a long time period, and much of the information was by then historic. The Ombudsman was not persuaded that disclosure of the information would represent such a significant contribution to the public interest that ACC should absorb the entire, quite considerable, cost of providing it.

In terms of hardship, the Ombudsman accepted the complainant's evidence that meeting the charge would consume his annual disposable income. However, the Ombudsman did not regard lack of financial resources by itself as a sufficient reason to merit the waiving of an otherwise reasonable charge. The Ombudsman said he would also expect to be able to identify a general public interest consideration in favour of release and/or an aspect of special relevance to the requester.

The Ombudsman did not accept that the charge of \$2128 should be remitted due to the public interest or personal hardship to the requester.

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