

Request for information about submissions received on marine reserve application

Legislation	Official Information Act 1982, s 18(f)
Agency	Department of Conservation
Ombudsman	Sir Brian Elwood
Case number(s)	W37846
Date	August 1997

Request for information about submissions on marine reserve application—refused under s 18(f)—20 bound files of submissions—8-9 hours of staff time to respond to the requests did not amount to ‘substantial collation and research’—Department ultimately allowed requester to personally research the 20 bound files to collate the information sought

The Department of Conservation received a request from a special interest group for information about submissions received in support of a marine reserve application. The Department believed section 18(f) of the OIA applied to this request because it would require over 3,000 submissions to be examined to compile the information at issue.

Section 18(f) provides a ground for refusing to make available official information on the basis that *‘the information requested cannot be made available without substantial collation or research’*.

Section 18(f) is normally invoked when a substantial amount of work would be involved in locating, extracting and collating the information in order to comply with the request. Where a request is refused on this basis the following factors have to be considered:

1. The form in which the information is held and the nature and degree of the *‘collation and research’* that is required. This question can be broken down as follows:
 - a. the amount of work involved in determining what information falls within the scope of the request;
 - b. the difficulty involved in locating, researching or collating the information;

- c. the amount of documentation to be looked at;
 - d. the work time involved;
 - e. the nature of the resources and the personnel available to process requests for information; and
 - f. the effect on other operations of the diversion of resources to meet the request.
2. The reasonableness of the reliance on section 18(f) given:
- a. the full circumstances of the case;
 - b. the principle of availability and the discretionary nature of all reasons for refusal; and
 - c. the power to charge contained in section 15 of the OIA.

In this case, the submissions were held in 20 bound files. The vast majority were pre-prepared form letters. The files themselves were divided into different categories, such as:

- form letters in support from New Zealanders;
- form letters in support from the community;
- form letters in support from tourists;
- individual letters in support;
- individual letters in opposition; and
- form letters in opposition.

Although there were over 3000 separate letters, the only information which needed to be drawn from the letters was the address of the sender and whether any submissions were sent from named organisations or individuals known to be members of such organisations. It was found that in a ten minute period it was possible to record the address details from approximately 90 letters. A staff member reasonably familiar with the Akaroa/Canterbury region would have no problem identifying the actual locality from which the submission had come. Furthermore, given the division of the files, it was possible to answer some of the requests without having to scan each letter.

In the light of the foregoing, it was concluded that it would require approximately 8-9 hours of staff time to respond to the requests and, on the face of it, this did not seem to amount to *'substantial collation and research'* for the purposes of the Act. While reading and staff time and other costs associated with providing the information (including the time spent reading or reviewing the information), meant that the Department could recover a reasonable charge for the work involved.

Having considered these views, the Department decided that it would allow the requester to personally research the 20 bound files of objections and submissions to collate the information sought.

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