

Request for papers provided to the treasurer during a 12 month period

Legislation	Official Information Act 1982, s 18(f)
Agency	The Treasury
Ombudsman	Sir Brian Elwood
Case number(s)	W41228
Date	January 1999

Request for papers provided to the Treasurer during 12 month period—substantial volume of information to be researched and collated

A request was made to the Treasurer for all the papers provided to his predecessor by Treasury officials during a twelve month period detailing the shape of the economy and other related matters. The request was refused pursuant to section 18(f) of the OIA.

Section 18(f) provides good reason for refusing to make available official information on the basis that *‘the information requested cannot be made available without substantial collation and 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 Act.

The Treasurer advised that there were at least 130 documents which might fall within the terms of the request. However, each document would have to be examined to determine whether it was relevant to the request. While some documents might be readily identified as relevant to the request from their title, others would need to be examined more closely to determine their relevance to the request.

The Treasurer said it would be difficult to estimate the exact amount of time it would have taken to answer the request. However, on the basis of an average of ten minutes to scan each document, the process would take approximately 21 hours of staff time. Additional time would also be required to locate the documents in question, collate the information identified as relevant to the request and ascertain whether the Treasury held any further information relevant to the request.

The Treasurer also explained that the Treasury staff who would have to process the request were fully engaged in essential operational tasks such as preparing data to meet the requirements of the Fiscal Responsibility Act 1994 and monitoring and providing advice on the New Zealand and world economy at a particularly difficult time in terms of the prevailing economic conditions. As a consequence, the diversion of resources to respond to the request would compromise the Treasury's ability to discharge those tasks.

On this basis, it was accepted that the option of imposing a charge for the information would not alleviate the underlying difficulty responding to the request posed for the Treasury. It was also noted that the Treasurer had offered to assist the requester if the scope of the request could be focused more specifically. In the circumstances, the view was formed that section 18(f) provided grounds to refuse the request.

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