

Schools and the Official Information Act

This guide sets out key 'need to know' information for school boards about the Official Information Act 1982 (OIA).

All boards of state schools are subject to the OIA. Anyone can request information held by a school, and the school must respond in accordance with the requirements of the OIA.

This guide explains what happens when schools receive a request for information and what they should do when responding.

It also explains the Ombudsman's role in relation to complaints about OIA requests and provides links to guidance and resource materials. This includes useful templates for responding to OIA requests.

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What is the OIA?

The Official Information Act 1982 (OIA) is legislation that allows people to request information held by Ministers and public sector agencies, including state schools.¹

The key principle of the OIA is that information should be made available unless there is good reason for withholding it. This reflects the purposes of the OIA, which are essentially to ensure the public have transparent information about how the public sector is conducting its affairs, while protecting information where that is needed.

The OIA provides:

- rules for how requests for information must be handled;
- rules for determining when information may be withheld; and
- the right for a requester to complain to the Ombudsman and seek a review if they are unhappy with the response to their request.

What is an OIA request?

An OIA request is a request for any information held by a school, where the information is not about the person requesting it.²

There is no set form for making an OIA request, and schools cannot insist that people follow a particular form for their request to be accepted. OIA requests can be made to any staff or board member, orally or in writing, in hardcopy, electronic form or via [social media](#). People do not need to refer to the OIA when making a request.³

Requests can be made by students, parents or any other person.⁴

Put simply: if a person is seeking information held by a school then it is an OIA request.

Personal information and the Privacy Act

A request for personal information that is about the person making the request must be considered under the Privacy Act and not the OIA.⁵

¹ Including primary schools, intermediate schools, composite schools, secondary schools, specialist schools and state-integrated schools. Not including private schools or charter schools.

² Requests by people for information about themselves are covered by the Privacy Act.

³ See section 12(1AA) OIA.

⁴ The person making the request must be in New Zealand, or a New Zealand citizen or resident. See section 12(1) OIA.

⁵ Section 12(1A) of the OIA.

Some requests will seek information that is both personal information about the requester and information about other people or subjects, in which case they must be considered under both the OIA and the Privacy Act.

[Go to the Privacy Commissioner's website for guidance on applying the Privacy Act](#)

What is official information?

Official information is any information 'held' by the school. This includes information held by board members, the Principal, staff and contractors.⁶

Information includes documents and drafts of documents, emails and their attachments, and messages (text or via a messaging app) which relate to the school, whether the information is held on personal or work devices or accounts.

Information also includes material which is not written down, including video, audio and someone's recollection of events or knowledge of a matter in their capacity as a board member, staff or contractor of the school.

However, the OIA does not require schools to create new information if it is not already 'held'. There is no obligation on schools to give an explanation, form an opinion or create information to answer an OIA request.

Why does the requester want the information?

A person may give reasons for making an OIA request but there is no obligation on them to do so. Schools can ask the requester why they are seeking the information if they think it would be helpful in reaching a decision, but they cannot insist that reasons be provided.

If a person chooses not to state their reasons for making an OIA request, the school must still fulfil its legal obligations under the OIA.

Schools should be careful not to suggest that the supply of reasons by the person requesting the information is a prerequisite for getting an answer to their OIA request.

Requests from the media

Schools may receive enquiries from the media. Requests by the media for information which is already held by the school are OIA requests and must be treated in accordance with the OIA.

⁶ See sections 2(4) and (5) of the OIA.

Requests by the media for an interview or for a quote are not OIA requests, on the basis they are asking for information to be created rather than seeking information already held by the school.

What are the legal obligations?

School boards are responsible for responding to information requests under the OIA. Boards may choose to delegate this to Principals or other staff. However, boards should still retain oversight and receive regular reporting about any information requests that have been made and how they are being dealt with.

The key legal obligations on schools under the OIA are:

- To provide reasonable assistance to a person to make their request.⁷ This may include explaining what information the school holds to someone who wants to make a request, but they don't know what to ask for.
- To tell the person what decision the school has made on their request as soon as reasonably practicable and within 20 working days (unless that time limit is extended).⁸
- To release information that has been requested unless there is an '*administrative reason*'⁹ or a '*good reason*'¹⁰ under the OIA for refusing to do so.
- To release information the school has decided to release without undue delay.¹¹
- Where a request is refused, to tell the requester the reasons for the refusal, and that they have a right to complain to the Ombudsman about that refusal.¹²

Access to school policies and reasons for decisions

The OIA also contains special rights of access to:

- School policies, principles, rules or guidelines for making decisions which affect students or other people; and¹³

⁷ See section 13 of the OIA.

⁸ See sections 15 and 15A of the OIA.

⁹ See section 18 of the OIA.

¹⁰ See sections 6 and 9 of the OIA.

¹¹ See section 28(5) of the OIA.

¹² See section 19 of the OIA.

¹³ See section 22.

- reasons for a decision made by the school that has affected the person making the request personally.¹⁴

The reasons for refusing such requests are more limited. For more information, see:

[Requests for internal decision making rules](#)

[Requests for reasons for a decision or recommendation](#)

How should a school respond to an OIA request?

Schools must consider each request for information on a case-by-case basis, and make a decision on whether to release some or all of the requested information.

There are four key steps that should be taken to respond to a request, as explained below.

1. Acknowledge request and calculate timeframe

The first thing to do is to acknowledge receipt of the request, and calculate the maximum timeframe for response.

- Our [website](#) contains a handy official information calculator on the front page, which will tell you when the latest date is for you to respond.

2. Collate the information and consider any administrative problems

The next step is to start searching for and collating the information that has been requested.

- At this point, consider whether there are any administrative problems with processing the request, such as that the information doesn't exist or it would take a lot of work to collate. If so, there may be a basis to refuse the request.
- If there are any administrative problems, consider the options available to help with this. You can:¹⁵
 - consult with the requester to understand what information they are seeking, explain any difficulties you are having, and ask them to amend or clarify their request;¹⁶

¹⁴ See section 23.

¹⁵ For more information about these options, see our guide [The OIA for Ministers and agencies](#).

¹⁶ If you ask the requester to amend or clarify their request within 7 working days of receiving the original request, and the requester agrees to do so, you can then treat the amended or clarified request as a new request. In this case the 20 working day maximum timeframe for response starts again.

- extend the maximum timeframe for response if:
 - › the request is for a lot of information or requires you to search through a lot of information; or
 - › you need to consult someone else about the request; and
 - › meeting the original time limit would unreasonably interfere with the school's operations;
 - make a reasonable charge for the cost involved in making information available, specifically the time spent retrieving and collating the information and preparing it for release (but not for decision making time);
 - refuse a request on the basis the information cannot be made available without substantial collation or research, if charging or extending the maximum timeframe for response won't work;
 - combine multiple requests on a similar subject matter that are received together or in short succession, when considering whether to refuse them on the basis the information cannot be made available without substantial collation or research;
 - refuse a request if the information is not held or can't be found, and you don't think the information is held by another agency (such as the Ministry of Education); and
 - refuse a request that is frivolous or vexatious, or if the information requested is trivial.
- If the information requested is held by, or more closely connected with, another agency, such as the Ministry of Education, then you should transfer the request to that agency (within 10 working days).¹⁷

3. Make a decision

Once the information has been collated, then review the information and decide whether it can be released.

- When considering the request, keep in mind the key principle that information must be made available unless there is good reason to withhold it.
- If you believe there could be a harm in releasing the information, then consider whether any of the OIA withholding grounds apply. These include things like prejudice to someone's privacy, or the need to respect a promise of confidentiality. For some withholding grounds, you also have to consider whether the need to withhold the information is outweighed by a stronger public interest in release. If so, the information cannot be withheld.

¹⁷ See section 14 OIA.

- Please see our [short video](#) about how the withholding grounds work.

4. Communicate decision and release information

Once you have made a decision on the request, advise the person who made the request of your decision and release any relevant information.

- If a request is refused for administrative reasons,¹⁸ or if any information is withheld,¹⁹ you must tell the requester what reason under the OIA you are relying on, and that they have the right to complain to the Ombudsman.
- If any information is released, you must consider how the information will be released (eg a hard copy, electronic copy, summary, opportunity to view) and send that to the person who made the request without delay.²⁰

As discussed [above](#), it is the responsibility of the School board to make the decision on the request, unless they have delegated someone else, such as the Principal, to handle requests for information.

What is the timeframe for responding to an OIA request?

Schools must make a decision on the OIA request and communicate it to the person making the request as soon as reasonably practicable, and no later than 20 working days after the day on which the request was received.²¹

The timeframe for making a decision may be extended, but only if this is reasonably necessary due to the volume of information or a need to consult someone else about the request.²²

Sometimes the person making the request may ask for a request to be treated as 'urgent.' If so, they must also provide the reasons for why the information is wanted urgently.²³ Schools should consider whether it is a reasonable request for urgency and, if so, take appropriate steps to try to meet the deadline requested.²⁴

¹⁸ See section 18 OIA.

¹⁹ See sections 6 and 9 OIA.

²⁰ See section 16 OIA,

²¹ As noted, our [website](#) contains a handy official information calculator on the front page, which will tell you when the latest date is for you to respond.

²² See section 15A OIA for when and how an extension can be sought.

²³ See section 12(3) OIA.

²⁴ Section 15(2) of the OIA recognises that an agency can fix a charge for 'any costs incurred pursuant to a request of the applicant to make the information available urgently.'

What is the Ombudsman's role?

The Ombudsman considers complaints by people who are unhappy with the response or lack of response to their OIA request.

When we receive an OIA complaint, an investigator may contact the school to make informal enquiries about the complaint. The investigator will provide details of the complaint and discuss how it might be resolved.

If the complaint needs to be investigated, the investigator will advise the school and set out any response that may be needed. The investigator may seek a copy of the information requested, as well as an explanation of why the school considered it necessary to refuse the request. The investigator is available to answer any queries the school has and to discuss with the school at any time the issues involved and if the complaint could be resolved.

If a complaint cannot be resolved, the Ombudsman's role is to form an opinion on whether the request should have been refused, or whether the decision complained about is otherwise wrong or unreasonable.²⁵ Before forming an adverse opinion the Ombudsman will give affected parties an opportunity to comment.

Where the Ombudsman considers that a complaint has merit, they can make any recommendations they think fit. This could include to release the information.

What support and advice is available?

The following resources and templates may be helpful to schools when considering how to handle OIA requests.

Contact the Ombudsman

If you receive an OIA request and need advice about what to do you can call our office on 0800 802 602 or email us on info@ombudsman.parliament.nz.

A staff member will be happy to discuss the request with you and the relevant requirements of the OIA, remembering that we cannot tell you exactly what decision to make.

Learning

School boards and staff need to know about the OIA and be able to identify when they receive a request for information. The Ombudsman has developed a free online, self-paced learning

²⁵ Section 30(1) OIA.

module specifically for schools that provides an overview of the OIA and how to respond to a request. [Go to Te Puna Mātauranga – the Ombudsman’s online learning platform](#)

Guidance and resources

You can find on our website more detailed information about responding to requests for official information, reasons under the OIA for refusing requests, how withholding grounds work, and specific sections of the legislation. [Go to Official Information Act guides and resources](#)

Assisting people to understand their rights and sharing information

Schools may wish to let people know about the OIA, and how they can request official information. They could make this information available on their website, in a hui, on a noticeboard or in pānui. The Ombudsman has several resources available to assist.

[Download the Ombudsman’s pamphlet about the OIA, available in te reo Maori and English](#)

[Read the Ombudsman’s guide on how to make an OIA request](#)

[Watch the Ombudsman’s NZSL guide to the OIA](#)

Schools may also wish to publish key information such as school policies and reports on their website or make copies available at their front desk. Making information available before it is requested may result in fewer OIA requests. [Read the Ombudsman’s guide to good practices for the proactive release of official information](#)

Templates

Schools may wish to use our templates to communicate with people who have made requests for information. These include letters of acknowledgement, clarification, transfer, extension, and decision.

Template letters

[Acknowledgement of a request](#)

[Clarification or amendment of a request](#)

[Transfer letter to requester](#)

[Transfer letter to other agency](#)

[Extension](#)

[Communicating the decision on a request](#)