



Final opinion of the Chief Ombudsman

**Official Information Act compliance and practice at
The Civil Aviation Authority**

June 2026



Official Information Act compliance and practice at The Civil Aviation Authority

ISBN: 978-1-0671271-4-5 (Digital)

Published August 2026

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Office of the Ombudsman | Wellington, New Zealand | www.ombudsman.parliament.nz

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Introduction

In September 2025, we commenced an investigation into the Civil Aviation Authority and Aviation Security Services (CAA) as part of our regular programme of proactive investigations into official information compliance and practice. CAA is one of five agencies selected – we also examined Inland Revenue, Ministry for Primary Industries, Ministry for the Environment, and the Ministry for Regulation.

This report sets out our observations on how CAA meets the requirements and purposes of the OIA against our indicators of good practice.¹ Our investigation focussed on the dimensions of leadership, culture and performing monitoring.

An agency's culture around transparency, openness, and the strength of its OIA practices flows from the attitudes, messaging and actions of its senior leaders – particularly those of the Chief Executive. It is our expectation that leaders make clear, regular statements to staff and to the public in support of the principle and purposes of official information legislation, and of the importance of openness more generally.

Accurate performance reporting is also crucial to respond to demands and reprioritise when required. Through regular reporting, senior leaders can oversee the agency's practice and compliance with the OIA, the effectiveness of its structures, resources, capacity and capability. Any issues identified that risk the agency's ability to comply with the OIA should be actively considered, addressed and, in effect, create a feedback loop.

Methodology

As part of this investigation, we gathered evidence through:

- a staff survey;
- an agency questionnaire;
- interviews with staff involved in different aspects of the OIA process;
- a review of a sample of OIA files;² and
- Chief Executive questionnaire and interview.

These sources are referred to throughout the report.

¹ See link to [the Ombudsman's OIA self-assessment tool](#).

² The decisions on these requests were not reviewed as if a complaint had been made to the Ombudsman, but to evaluate CAA's OIA leadership, culture, and performance monitoring.

About CAA

CAA is a Crown entity responsible for regulating civil aviation safety and security. It has a Board appointed by the Minister of Transport. Civil aviation in New Zealand operates within a system established and maintained by the [Civil Aviation Act 2023](#).

During 2024/25 CAA integrated Aviation Security Service (Avsec)³ into CAA, taking a ‘one organisation approach’ across common functions and activities.⁴ In June 2025, CAA reported that it employed 1,817 full time employees (FTE), of which 1,296 FTE were Avsec positions.

There have been a number of significant changes to CAA in recent years (discussed further in [Leadership and culture changes](#)). In August 2024, there were several new appointments to the Board, including a new Chair. The Civil Aviation Act 2023 (effective April 2025) replaced the Civil Aviation Act 1990 and Airport Authorities Act 1966. In April 2025, CAA implemented a new structure, including establishing the ‘Resolutions team’, responsible for processing OIA requests, and a new Chief Executive commenced in September 2025.

My opinion

I have not identified any conduct by CAA that is wrong, unreasonable or contrary to law under the Ombudsmen Act 1975. As such, there are no formal recommendations. We have identified a number of good practices, as well as some opportunities for CAA to improve its ability to discharge its OIA responsibilities more effectively.

It is encouraging that staff generally said there has been a shift towards greater openness and transparency with new Chief Executive and the organisation-wide culture change programme. Staff consistently considered the newly established Resolutions team to be a strength of the agency.

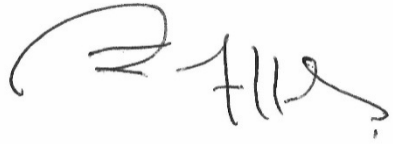
CAA had an opportunity to comment on the provisional opinion. In response, CAA advised that it greatly appreciates the constructive feedback and the recognition of good practice. It welcomes the action points identified as opportunities for improvement and has provided a table summarising its proposed response to each one (see [Appendix 1](#)). CAA noted that it will identify the priority actions and reflect these in a work plan, which it expects to complete by August 2026. It expects all action points to be addressed within two years, with some likely to be completed sooner. In addition, it has held its first OIA Awareness Week, which achieved strong engagement from staff. We are pleased with the commitment CAA has shown to continuous improvement in its OIA compliance and practice.

We would like to extend thanks to CAA for the positive and open way it engaged with this investigation.

³ The operational arm, responsible for delivering airport security services like passenger screening and managing the airport identity card system.

⁴ From 2024/25 Annual Report— see link to [CAA website](#)

In particular, our thanks to those staff members who took the time to meet with the investigators; completed the staff survey and liaised with our office throughout the investigation. We greatly value their contribution to this investigation.

A handwritten signature in black ink, appearing to read 'John Allen', with a stylized flourish at the end.

John Allen
Chief Ombudsman

Leadership and culture

Ministers, Board members, Chief Executives, senior leaders, and managers should demonstrate a commitment to the agency meeting its obligations under the OIA, as well as actively foster a culture of openness.

Leadership and culture changes

CAA has been through some leadership and cultural changes. A new organisational structure was implemented and the current Chief Executive commenced in September 2025.⁵

The Chief Executive was asked a series of questions as part of this investigation. When asked about his thoughts on how CAA manages its obligations under the OIA, the Chief Executive stated that:

Since arriving, I have adopted a different leadership approach and direction around transparency, accountability and openness.

Many staff survey respondents and interviewees expressed similar sentiments, one stating that CAA was a *'pretty battered'* organisation, but the Chief Executive and some other senior leaders had been hired as *'change leaders'*.

Cultural issues at CAA have been reported in the media from as early as 2019.⁶ In April 2020, there was a review of CAA's organisational culture which found it did not operate a safe and respectful workplace due to governance and leadership. An organisation-wide culture change programme was initiated. The programme of work was completed in February 2022. Part of this was creating new values, one of which is transparency.

A staff interviewee said there has been a culture shift away from having to defend themselves. They said the organisation had been *'hunkering down... hiding from the arrows'*. Other interviewees also considered leadership are *'doing really well'*, as they are *'open about what their shortcomings are and what they will do to address that'*. Another said while they are moving toward openness and transparency, there may be some way to go, stating they are *'getting there'*.

It is positive that the Chief Executive appears to be prioritising openness and transparency during a time of change. We encourage the Chief Executive to continue to take steps to improve the organisations culture by actioning the points raised by this investigation to strengthen its culture of openness and transparency.

⁵ For details of CAA's new structure see link [CAA Act 2023 and a new structure in place](#)

⁶ For examples of media articles see: link to [Stuff Article June 2019](#); link to [Stuff article August 2019](#), and link to [NZ Herald article May 2026](#)

Messaging from senior leaders about the OIA and openness

Leaders should make clear, regular statements to staff and stakeholders in support of openness, transparency, and the OIA.

In response to our October 2025 agency questionnaire, CAA advised that all employees are expected to adhere to ‘our values’, which are ‘professionalism, respect, integrity, transparency and collaboration’. In addition, a number of staff said during interview that messages were received from senior leaders about the value of transparency and openness more generally.

When asked about messaging regarding compliance with the requirements and purpose of the OIA, CAA said senior leaders did not provide messaging to staff about the OIA directly. However, since the commencement of this investigation, CAA has held an ‘OIA awareness week’ to further inform staff of their obligations under the OIA.

In late October – early November 2025, we surveyed staff on their impressions of the signals sent by leadership about the disclosure of information under the OIA.⁷ ‘Signals’ could include specific messaging from leaders about the Act, or actions demonstrating support for the disclosure of information under the OIA.

Around 38 percent of survey respondents indicated that the Chief Executive was strongly or moderately pro disclosure under the OIA. Tier two leaders were rated slightly higher at 45 percent. See below:

Staff impressions of the signals sent by leadership about the disclosure of information under the OIA⁸

	Strongly or moderately pro disclosure under the OIA	Strongly or moderately anti disclosure under the OIA	They are silent on the issue or ‘I don’t know’
Chief Executive	38%	5%	58%
Tier two leaders	45%	7%	41%

The average rating for Chief Executives being strongly or moderately pro disclosure across the other four agencies was 62 percent.⁹ The rating from surveyed staff at CAA is significantly lower than average. While the rating for CAA’s tier two leaders was moderately higher at 45 percent, the average rating for tier two leaders for the other four agencies investigated was 67

⁷ There were 440 individually verified responses to the CAA staff survey. Respondents were not required to answer each survey question and the number of responses per question varied.

⁸ 375 survey respondents answered this question. Percentages have been rounded to the nearest whole number.

⁹ The average for all five agencies investigated was 57 percent.

percent.¹⁰ Therefore, fewer than average staff survey respondents reported that the Chief Executive and tier two leaders were strongly or moderately pro disclosure under the OIA.

We acknowledge that the survey was only conducted a month after the new Chief Executive commenced in the role, so the results may not be entirely reflective of the current leadership and may explain the higher than average percentage in the ‘do not know’ category.

In response to the provisional opinion, CAA stated that it considers the ‘do not know’ category to be higher than average ‘*partly due to the recent appointment of the new Chief Executive*’, but it considered ‘*main reason is likely that most of CAA’s workforce consists of Avsec frontline staff*’. These staff members are responsible for delivering airport security services like passenger screening and managing the airport identity card system, and CAA states ‘*it would be extremely rare for an ASO or other frontline Avsec officer to be in a position where they have information or need to respond to an OIA request*’.

Many of these frontline Avsec staff are located around the country. CAA advised that the ‘*geographically dispersed, rostered, Avsec frontline workforce creates challenges in ensuring messages about the OIA and openness reach all staff*.’ Given the spread of staff, leaders may have to do additional work to signal support for the OIA and openness to staff on the frontline. We understand the nature of CAA’s work and the variety of roles means there will need to be diverse messaging to reach all staff effectively.

The Chief Executive said he expects tier two leaders to ‘*role model a culture of transparency and accountability*’. He said they have:

...put in place regular performance reports, which flow through the executive and board on OIA compliance. This allows us to collectively discuss how we’re managing OIA and any trends or issues.

We are encouraged that the Chief Executive has made changes to how the executive team engages with staff since starting in September 2025. He stated:

Since joining CAA, I have made changes to how I and the executive team engage with staff. This includes regular online sessions and having a visible presence in our regional offices. As part of that I have talked about the mode within which I want CAA to operate – with simplicity, clarity and alignment, and to increase the visibility and accountability of our performance.

In addition, we are pleased that CAA said that ‘*most frontline staff*’ were reached through its messaging during OIA Awareness Week and there are planned station visits in the coming months to discuss the OIA and answer questions in an open forum. We encourage leaders to continue to look for opportunities to promote the OIA on a regular, ongoing basis. For instance, making examples of good practice visible is another way to demonstrate support for the Act.

¹⁰ The average for all five agencies investigated was 62 percent.

Action point

The Chief Executive and senior leaders should make clear, visible, and regular statements to staff about the importance of the OIA, linking this to the agency's commitment to openness and accountability.

Establishing the Resolutions team

Responding to OIA requests is a core function of the public sector. Good leaders ensure that there are adequate resources in place to meet the legal obligations under the Act.

CAA has a dedicated team responsible for the processing of OIA requests. The team also processes Privacy Act requests, complaints and ministerial correspondence. The team was established in April 2025 because of the organisational change programme referred to in [Leadership and culture changes](#).

Prior to the establishment of the team, the OIA function sat within the legal services unit and comprised two FTEs as OIA Advisors. It was identified that having only two advisors was not sustainable to allow staff to take leave or for sickness. Therefore, the team was expanded to include seven FTEs; including five Advisors, one Senior Advisor and a Manager.

CAA said that having a team separate from the Legal team means they have more *'profile and influence'*; the changes *'have enabled us to take a more cohesive and joined up approach to managing our responsibilities under this public facing function.'* Many staff interviewees and survey respondents concurred, saying that the Resolutions team was a strength of the agency. One said they were *'perfect ambassadors'* for the OIA as *'they understand the reality that there are things you have to protect – they set the right tone, but they're also trusted.'*

While it is positive that the agency has increased the number of staff responsible for processing OIA requests, some staff reported that they felt more staff resources would be good, one stating it is *'such a demanding field'*. Another considered that OIA timeliness suffers when there is not enough staff.

We note that the OIA timeliness statistics reported by Te Kawa Mataaho – Public Service Commission (PSC) dropped as low as 88 percent of OIA requests completed within the statutory timeframe in the December 2023 and 90 percent in June 2024.¹¹ The last reported timeliness statistics indicate that 99 percent of OIA requests were completed within the legislated timeframe. While it is positive that reported timeliness has improved, we note that the percentage of OIA requests extended has increased slightly.¹² As discussed in [Practice issues](#), CAA should ensure that extensions are not used due to having inadequate staff to complete requests in a timely manner.

Senior leaders should ensure there is adequate capacity to not only adhere to the OIA, but ensure other elements of the OIA system are functioning well. For instance, educating staff

¹¹ This was prior to the establishment of the Resolutions team.

¹² See link to [OIA statistics on the Public Service Commission website](#).

wider than the Resolutions team on the importance of the OIA, and linking to its wider purposes (discussed in [Training](#)), administering a proactive release programme (discussed in [Proactive release of information](#)), and ensuring staff are available to process OIA requests when there is an influx of requests (for example sharing resources).

We are pleased the Chief Executive has initiated a new approach of seconding people from other parts of the business to spend time with Resolutions team in the OIA area (starting with Aviation Security Officers). This provides a growth opportunity for staff, as well as enabling them to better understand the requirements of CAA as a Crown entity. We encourage leadership to monitor the success of this programme, and ensure adequate staffing is provided to meet OIA obligations.

Practice issues

Leaders should ensure compliance with the OIA and encourage positive OIA practice. To gain an understanding of how CAA processes requests, investigators reviewed a small sample of OIA request files. On the whole, the OIA team process a high number of requests in a very timely and efficient manner. Some positive practices were observed in the sample OIA files, as well as a few opportunities for improvement. The positive practices include examples of:

- The provision of a summary of information in specific cases where requests had been refused under the OIA.
- Resolutions team staff members following up on OIA requests that were with other areas or external agencies for consultation, which encouraged timeliness.
- A streamlined senior sign out process. Only complex requests were signed by senior leaders, the majority of requests were approved by the OIA manager.
- A positive relationship with the legal team, including weekly meetings to discuss OIA requests.

A small number of practices were identified that could provide opportunities for improvement, including:

- There was no documentary evidence of consideration given to the public interest in making information available when withholding information under section 9 of OIA. Although some staff said this practice occurs, it ought to be recorded on the relevant file.
- There was an example of a 10-day delay between the agency receiving an OIA request and sending the acknowledgement letter.
- Some delays were observed when requesting information from subject matter experts (SMEs) in certain program areas.

In addition, in one case, the time limit for making a decision on an OIA request was extended and it was not clear from the records whether the reason for the extension was for a valid reason under the Act. An agency may extend the maximum time limits for making and

communicating a decision to a requester if certain criteria are met. For instance, there must be a valid reason for the extension, either:

- the request is for a large quantity of information or necessitates a search through a large quantity of information, and meeting the original time limit would unreasonably interfere with the operations of the agency; or
- consultations necessary to make a decision on the request are such that a proper response to the request cannot reasonably be made within the original time limit.

CAA should ensure that when an extension is made, there is an accurate record of the reason for the extension. As discussed in [Establishing the Resolutions team](#) above, extensions are not to be used if there are a lot of requests and simply not enough staff to process them within statutory timeframes.

While we understand the requirement to meet deadlines, it is not appropriate to extend requests that are late due to reasons other than those stipulated in the Act. As discussed further in [Using reporting to drive change](#), it is important to report on OIA performance to senior leaders accurately. Invalid extensions are counted as on-time responses; reporting these decisions as ‘on-time’ is inaccurate and risks masking vulnerabilities in the OIA handling process. It is important that this is brought to senior leaders’ attention as it may indicate a systemic issue that should be addressed, such as a capability, capacity or processing concern.

Another practice issue, raised by many staff interviewees and survey respondents, is in relation to a small number of requesters that submit multiple OIA requests. A staff interviewee said they are *‘horried by the lengths we are going to respond to OIAs to the detriment of other participants’*. Other interviewees considered that the complexity of information requests has increased due to a general distrust in government. However, they felt it is *‘quite hard’* to use the vexatious withholding grounds.¹³

Staff considered that it is also possible that Artificial Intelligence (AI) is being used to write information requests, which has been adding complexity. Use of artificial intelligence is a fast-evolving area affecting the way members of the public ask for information and how agencies respond to OIA requests. Agency staff processing administratively challenging requests may, as a starting point, find it helpful to refer to our guidance on substantial collation to form a plan to deal with these types of requests.¹⁴ When refusing requests under grounds such as substantial collation, we encourage agencies to ensure that an adequate record is kept, justifying the refusal so that investigators from our office can understand the reasoning behind the decision if it comes to this office for review.

In response to the provisional opinion, CAA advised that it considers the use of AI to draft information requests to be a developing and complex area, stating:

¹³ See link to [Section 18\(h\) of the Official Information Act 1982](#).

¹⁴ See link to [Substantial collation or research: A guide to section 18\(f\) of the OIA and section 17\(f\) of the LGOIMA](#) (20 March 2019) at page 15 on the Office of the Ombudsman website.

CAA continues to grapple with large AI-generated requests and unreasonable complainant conduct linked to repeated requests on the same topic. Although guidance from the Office of the Ombudsman is helpful, relying on substantial collation is increasingly difficult and does not fully address these emerging issues.

...

It would be helpful for the Ombudsman to consider a system-wide approach to responding to this issue, including insights from other agencies and consideration of the broader themes arising from these matters.

We acknowledge these comments; our Proactive Interventions team examines system-wide administrative deficiencies and will consider whether further action is required regarding this issue.

CAA has an OIA policy, OIA procedure, commonly asked questions and templates available on its intranet for staff. However, further guidance would be useful regarding the practice issues identified by this investigation. In particular, how to consider the extent of any public interest in release of information and guidance on extending requests. There is guidance on our website related to these topics which may be useful.¹⁵

Action point

Senior leaders to ensure staff are recording public interest considerations and reasons for extensions.

Providing adequate tools for OIA processing

Leaders should provide staff with good systems, tools and resources, to enable them to effectively process requests that are consistent with the provisions in the OIA.

Training

Training staff on their obligations under the OIA is vital and should include:

- training at induction (including training on information management and recordkeeping);
- introductory basic awareness of key OIA and record keeping principles for all staff;
- advanced courses for OIA specialists;
- additional training for senior managers; and
- refresher courses and seminars.

CAA advised that that it does train all new inspectors on their OIA and Privacy obligations during induction training and new inspectors undertake a workshop which covers the OIA.

¹⁵ See link to [Public interest: A guide to weighing the public interest on the Ombudsman's website](#); link to [The OIA for Ministers and agencies: A guide to processing official information requests](#).

However, no formal OIA training is presently available to corporate staff, CAA has said ‘*work is underway to address this*’. When staff interviewees were asked about OIA training, several indicated that ‘*more could be done*’; one stating that the training is ‘*not perfect*’, and it could be ‘*more regular*.’

Forty six percent of staff survey respondents said they have never received any OIA training at CAA and 40 percent of respondents said they have nothing to do with the official information process. We are concerned that such a high number of staff do not understand their role in relation to the OIA. All staff have a role in the OIA process, regardless of whether they are directly working with OIA requests or not; keeping and retrieving official records is an essential part of OIA processing. All staff should be provided with OIA training to ensure OIA and record keeping compliance.

Some staff survey respondents said OIA training had been more frequent in the past as it had been included as part of the legal training for new inspectors. Since then, the survey respondent said there has been ad-hoc communications, ‘*but nothing structured*’.

A further area of weakness in terms of training is advanced courses for OIA specialists, which should cover, for example the public interest and harm tests; dealing with complex requests or repeat requests. While the Legal team does meet with the Resolutions team to have discussions about OIA files and withholding grounds, they do not appear to be having regular formal training.

It does not appear that CAA has provided senior leaders with any targeted OIA training recently. Training of this type would send a clear message that senior leaders are committed to the purposes and principle of the OIA. We appreciate some senior leaders may have OIA experience and good support mechanisms in place. However, relying on an individual’s knowledge and past experience to make the appropriate decision underestimates the benefits of ongoing training and regular refreshers, including keeping up to date with any changes in law or new Ombudsman opinions.

Our office has an online learning platform, Te Puna Mātauranga, which includes an OIA course. This may be a useful addition to CAA’s training programme.¹⁶ Ombudsman staff are also available to assist with developing or delivering training on request.

Action points
Senior leaders should ensure all staff complete OIA training appropriate to their role.
Senior leaders should ensure advanced OIA training is available for the Resolutions team.

Digital infrastructure

We expect senior leadership to take an active role in the management of information. Ensuring information management systems are fit for purpose is key to enabling effective capture, maintenance and retrieval of all agency information in a form that is readily accessible.

¹⁶ See link to [the Office of the Ombudsman’s Te Puna Mātauranga webpage](#).

CAA uses the record keeping system called ‘InfoHub’ to capture and store information across the organisation. The Resolutions team has recently transitioned to the platform Microsoft SharePoint to aid OIA processing.

Many staff interviewees and survey respondents said that CAA’s aging digital tools were the biggest challenge for efficient and effective OIA processing. Some staff said the system was ‘*appalling*’, another said the ‘*information management system is archaic*’, lacking many modern features such as metadata and tagging capabilities.

Good record keeping and the ability to be able to save and retrieve information is the bedrock on which sound OIA practice is based. Information requested under the OIA can only be made available if it has been created and maintained in a way that enables ready identification and retrieval.

It is concerning that some staff interviewees said they get a ‘*sense*’ that not all documents in scope are provided to the Resolutions team in response to OIA requests. An interviewee said it seems to generally be ‘*always the same people*’, who may save information on a local drive and not on InfoHub. Another interviewee thought an OIA information management tool for end-to-end OIA processing would be good. They said SharePoint is an interim solution, and a case flow management tool would drive efficiency long term.

The Chief Executive said they are currently ‘*digitising our systems to enable us to more efficiently collate information and respond in a more timely way*’. He said CAA is ‘*working through*’ a digital transformation programme, which will help them manage information better. However, the digital transformation programme is ‘*to be confirmed with the Board*’. Another interviewee said they are ‘*still negotiating with the Board for funding*’.

We encourage CAA to prioritise the delivery of the digital transformation programme to facilitate identification and retrieval of information.

Action point
CAA should ensure adequate digital tools for staff to facilitate the efficient processing of requests in accordance with the OIA.

Fostering a positive OIA culture within the agency

As discussed above, the speed and quality of OIA responses relies on senior leaders and staff actively fostering a culture of positive engagement with the OIA, not only by those working in the Resolutions team but in all areas across the organisation. When staff across the organisation have a positive attitude about the OIA and understand the underlying principle of availability, requests are processed efficiently and in a more fulsome manner.

We surveyed staff about their impressions of CAA’s overall commitment to a culture of openness. Of those who responded, the majority rated the agency as being strongly or moderately pro-openness. See below:

Staff impressions of the agency's overall commitment to a culture of openness

Strongly or moderately pro-openness	Strongly or moderately anti-openness	It is silent on the issue or 'I don't know'
69%	21%	10%

The pro-openness rating was the lowest across the five agencies we investigated, and the anti-openness score was the highest. These relatively poor results may not yet reflect the cultural changes discussed in the [Leadership and culture changes](#) section, or they may suggest a deeper cultural trend that requires further effort to shift.

In terms of CAA's agency culture in relation to OIA requests, a number of staff interviewees and survey respondents indicated that there is scope for further improvement. One staff survey respondent said *'there's definitely some old guard that are very hesitant to release information'*. A staff interviewee said it has been *'normalised'* for the teams outside the Resolutions team to consider OIA work to be a *'burden'*.

Staff also reported that it can be *'difficult'* to find the correct SME to send the information request to, and one of the most difficult parts of the OIA process is *'getting information from people'*. This is where awareness of the OIA, and its vital role in New Zealand's democracy, is important.

CAA has taken steps to improve its overall culture by implementing a culture change programme. For instance, it is positive that CAA has a process for Avsec staff to submit ideas for how improvements can be made (called 'Will it Fly'). Mechanisms for staff feedback are a tool to improve internal culture. A staff interviewee considered internal *'truth telling'* is important, so they are not just *'telling staff that it is all fine'*.

Having an anonymous mechanism for people to give feedback to senior leaders is one step towards shifting culture. It is positive that there have been values introduced, including one related to transparency. However, views were mixed from staff interviewees and survey respondents on whether the culture is shifting for the better. Overall, it appears that more could be done in this area; in particular, in relation to improving the OIA culture at CAA. For instance, one staff survey respondent said *'I have never heard mention of OIA requests as a frontline worker'*.

As noted in [Leadership and culture changes](#) and [Training](#), wider training of staff across the organisation about the importance of the OIA is one way to improve staff attitudes. It is positive that CAA has held an 'OIA awareness week' to raise staff awareness. Another suggestion is developing a clear process for staff to escalate to senior leaders the OIA requests that are with SMEs who are delaying the request. This process should be documented in OIA guidance to support staff to work with SMEs in a productive and efficient manner.

Action points

Chief Executive to consider ways to improve staff attitudes to the OIA, such as additional OIA training for SMEs, particularly targeting the areas that are less positive about the OIA.

Action points

Develop a clear process for staff to escalate to senior leaders the OIA requests that are delayed by SMEs, and update guidance documents accordingly.

Demonstrating a public commitment to openness

We expect chief executives to make clear, regular statements to the public and external stakeholders in support of the principle and purposes of the official information legislation.

We asked CAA for examples of senior leaders communicating to the public about the principles of openness and transparency. In response, the agency provided examples of communications in relation to their investigations approach and a briefing for the incoming Associate Minister of Transport. The documents state that the investigations process is '*designed to be transparent and collaborative*'. The agency also communicates with the public through its annual report, which discusses the value of transparency but does not mention the OIA specifically.

Having an overarching publicly available OIA strategy would be a positive action. Currently, CAA does not have an overarching high-level strategy or plan outlining how it will meet its OIA obligations. CAA does have a strategy document called 'Ways of working' on its website, which states that leaders will be accountable and transparent and that staff should feel '*empowered and supported to speak up and share ideas or raise issues*'. However, it fails to mention the OIA or how adhering to this legislation can improve transparency.

We expect every agency to maintain a strategic framework that outlines its plan for how it intends to achieve OIA compliance and foster a culture of openness and transparency. We encourage CAA to consider developing a high-level strategy or plan that specifically addresses its overarching OIA function.

Action point

Senior Leaders should prioritise developing a high level OIA strategy that defines leadership responsibilities and is clearly communicated to all staff.

Proactive release of information

Proactive release is the practice of publishing official information that is not subject to an information request under the OIA. Sound proactive release practices complement a well-functioning process for responding to OIA requests. Together, these mechanisms help agencies to progressively increase the availability of official information to the people of New Zealand, which is one of the purposes of the OIA.¹⁷ We expect there is clear senior leadership commitment to the proactive release of information.

¹⁷ See link to [section 4 of the OIA](#).

CAA states that there is currently no formal written policy or procedure in place for proactive release. However, it does regularly proactively publish some official information on its website, such as the ‘*occurrence and activity dashboard*’, which shows data occurrences and activities reported to CAA since 1 January 2013.

CAA states that it is ‘*working on developing self-service dashboards to help participants access summarised safety trends and statistics to understand the risks they face*’.¹⁸ Senior leaders were positive about the proactive release of information. A senior staff interviewee said ‘*as a safety regulator, if we can make info available that helps people, that’s in our best interests as well*’; and another said ‘*I’m a big fan of proactive release, it would actually make us more effective and I would really like to be able to proactively release more information*’.

There was still some hesitation expressed about the proactive release of some information. For instance, an interviewee said they were aware that proactively released information may not receive the same protection as information disclosed under the OIA. This is because, unlike responses to particular OIA requests, agencies are not protected from any civil or criminal liability that might arise from releasing information proactively online. Another interviewee said tension may arise when considering releasing information that could allow individuals to circumvent safety measures, such as airport screening.

We encourage CAA to refer to the Ombudsman’s guidance on proactive release,¹⁹ which addresses many of the issues raised. It is important for agencies to have a robust process for reviewing the information for potential legal risks associated with publication, including peer review, and sign-off by an appropriately authorised staff member.

Despite these risks, CAA states it remains committed to openness and sharing information that supports public understanding and trust. The Chief Executive said they are looking at how they can proactively release more information that might be of public interest.

Many agencies are now publishing some OIA responses. Currently, CAA is not proactively releasing OIA responses, but staff seemed open to it. However, one said they ‘*don’t have capacity right now*’.

We suggest CAA implement a regular programme of proactive release with a policy to support it. Having a written proactive release of information policy helps agencies to:

- embed proactive release of information practices as part of BAU work;
- ensure that practices are applied consistently across different business areas;
- ensure that practices continue even in the absence of key staff.

We strongly encourage agencies to publish their proactive release policies. Not only is this a visible demonstration of openness, it also drives accountability for adherence with the policy.

¹⁸ See link to [Read reports and statistics](#) on CAA’s website.

¹⁹ See link to [Proactive release: Good practices for proactive release of official information](#) on the Ombudsman website.

By publishing proactive release policies, agencies make themselves accountable to the public for ensuring that practice and policy align.

In response to the provisional opinion, CAA advised that it is '*very open to more frequent proactive release of information such as data and accident reports*'. However, it exercises more caution over the proactive release of more specific participant related information to avoid legal risk, noting that applying Ombudsman guidance is '*not a defence in law*'.

Action points

Senior leaders to consider proactively publishing responses to OIA requests.

Develop a proactive release policy with senior leader accountability, and consider publishing it on the website.

Website

Requesters can find out about how to make a request for official information on CAA's website. The OIA page includes the following details:²⁰

- an Ombudsman guide for first time OIA requesters;
- a PSC guide about OIA requests;
- guidelines on charging and whether there will be a cost; and
- information on how to make request via an online form.

However, there is key information about that is missing from the website that would be useful for the public to know. CAA should consider adding the following information to its official information webpage:

- An overarching statement regarding the principle of availability and that CAA is committed to being an open and transparent agency.
- Other ways to make a request – for instance by post, over the phone or by email.
- CAA's OIA process once it receives the request.
- What to do if the requester is not happy with CAA's response.
- The details of an OIA contact.
- That information is to be made available '*as soon as reasonably practicable*' or no later than 20 working days.

We also encourage CAA to consider including more internal policies on the website, in a place that is obvious and accessible.

²⁰ See link to [Official Information Act request](#) on the CAA website.

Action points

Update the OIA webpage to include our suggestions.

Consider publishing more internal policies on the website, especially those relevant to openness and transparency.

Minister's office interactions

The OIA²¹ and the Cabinet Manual²² have provision for agencies to consult their Minister prior to a decision being made about an OIA request when reasonably necessary. However, the decision maker on departmental OIA requests remains the Chief Executive (or an official of the agency whom the Chief Executive has duly authorised).

CAA has advised that in accordance with the '*no surprises principle*', the Minister's office is kept informed of OIA requests received by the CAA via a weekly list of current requests. From there, the Minister's office indicates specific OIA requests they would like to see. Even if a request is not explicitly sought by the Minister's office, CAA will proactively notify it if the subject matter is likely to warrant ministerial attention. For example, OIA requests from media outlets or those involving sensitive or high-profile issues.

Staff interviewees indicated that their interaction with the Minister's office is generally positive and OIA responses are sent as a genuine FYI notification. There had been a process of waiting up to five working days for the Minister's office to respond before providing the OIA response to the requester. However, staff said this process has now changed due to an Ombudsman complaint where the CAA failed to meet its statutory obligations to communicate a decision as soon as reasonably practicable and to release official information without 'undue delay'.

Comments from staff survey respondents about Ministerial interactions were mixed. A number stated that while current ministerial interactions are positive, under previous Ministers there had been '*... 'suggestions' that we apply withholding provisions not originally deemed relevant*'. Another respondent said they noticed the Minister's office influence had '*slowly increased*'.

It is positive that a staff interviewee said one way CAA mitigates ministerial interference is by not placing junior staff members in a position where '*they feel like they can't push back*'. They said only senior staff engage with the Minister's office, and where necessary a record is kept of the interaction. The Chief Executive also confirmed that engagement with the Minister's office is '*contained to a narrow grouping of staff*'. He said this means any requests to amend departmental responses '*can and will be brought to my attention*', and '*staff understand that I will step in if required*'.

It is encouraging that senior leadership is clear that the decision maker on departmental OIA requests remains the Chief Executive (or an official of the agency whom the chief executive has

²¹ See link to [section 15\(4\) of the OIA](#)

²² See link to [the Cabinet Manual](#).

duly authorised) and undue interference is not tolerated. We encourage the development of a written policy, guidance or agreement to reflect this practice.

Guidance could be based on the Ombudsman's *Model protocol on dealing with OIA requests involving Ministers*,²³ which is endorsed in the Cabinet Manual.²⁴ Once finalised, we recommend publishing this guidance to ensure transparency, foster trust in the request-handling process, and clarify when an agency should seek ministerial input (consultation) versus when information is provided for awareness only (FYI). Guidance could also include details such as which staff members are responsible for interacting with the Minister's office.

Action point

Senior leaders to develop guidance or an agreement regarding ministerial interactions on OIA requests, and consider publishing the document.

²³ See link to [Model protocol on dealing with OIA requests involving Ministers](#)

²⁴ See link to [section 8.53 of the Cabinet Manual](#)

Performance monitoring and learning

Agencies need to have an established system for capturing and analysing data to inform meaningful, as well as appropriate performance measures. There should be regular reporting to senior leadership, monitoring the effectiveness of its structures, resources, capacity and capability, and learning from OIA data analysis and practice.

Internal OIA data collection

CAA collects OIA data and captures it on an excel spreadsheet called the 'OIA and Privacy workbook'. The Resolutions team collect OIA data on a variety of matters, including:

- key dates
- requester details
- assigned staff
- whether it is a Privacy Act request
- extensions
- transfers
- whether it was within timeframe
- some outcome details.

We suggest CAA collect additional data to ensure compliance with the Act and to monitor trends for opportunities for proactive release. For instance, CAA should consider collecting information on the length and reason for extensions. CAA should also consider keeping a record of the amount of time staff spend on processing official information requests, including the time spent assisting in processing requests by staff who are not in core OIA roles.

Staff discussed the challenge of tracking statistics with the current manual process. An interviewee said they worry '*about a spreadsheet being corrupted*' or being prone to human error. It is positive that the Chief Executive has advised that although they do not currently have a '*method to accurately calculate time spent on OIA requests*', there is an intention to include this within the business transformation programme:

My intention is that our business transformation programme (which will include investing in our foundations) will enable us to determine how much time and resource is spent on OIA requests.

Action point

Collect, analyse, and report further OIA data in accordance with our suggestions.

OIA reporting to drive change

The data collected provides agencies with valuable insights to inform business planning and future decisions concerning access to information. In this investigation, we examined whether CAA regularly reports on its OIA request management and uses data analysis to improve future practices.

The following information about OIA requests is reported to the Board:

- A monthly ‘assurance and governance team’ report, which includes the number of OIA requests received, completed, withdrawn, refused and a summary of OIA requests of note.
- A quarterly Legal Services Unit Board update report, which includes a section on how many OIA requests it has received, how many open OIA requests there are and details of Ombudsman investigations into CAA’s withholding of information under the OIA.

In addition, CAA sends an annual review to the Minister which includes responses to written questions. The 2023/24 document included several questions and answers regarding OIA requests, including number of requests, average response time, number of Ombudsman complaints and what policies and procedures apply to requests for information.

The reports and statistics are compiled by staff in the Resolutions team and CAA states that the data is used to monitor CAA performance in the OIA space and inform capability and resourcing requirements.

The Chief Executive acknowledged that accountability reporting and transparency is key to driving culture change, stating:

... I have increased our accessibility and visibility to the sector and intend to continue our approach.

Several staff interviewees reiterated the Chief Executive’s ‘vision’ for the Resolutions team, which is to improve trend analysis to drive change. It is positive that there is increased reporting on OIA volumes, timeliness and any breaches. However, the current approach for analysing OIA trends appears to be ad hoc. A staff interviewee said they ‘eyeball’ what the trends are as there is no system to capture trend data or a platform to extract the data.

We suggest the agency capture additional data to ensure senior leaders identify:

- emerging themes or trends in information requested;
- OIA response quality;
- opportunities for proactive release of information;
- resourcing or capacity issues; and
- capability issues and opportunities to upskill/train staff.

It is important that agencies are transparent about their performance. While some OIA statistics are reported to PSC, CAA may wish to consider collecting, analysing, reporting and publishing additional OIA statistics to drive agency culture change.

Action point

OIA reporting to senior leaders and the Board should include more qualitative data on the handling of OIA requests (especially outcomes), incorporating our suggestions.

Quality assurance

CAA states that it has some peer review processes for official information requests where more senior members of the Resolutions team check draft responses before they are provided to a requester.

There is also an internal report that captures breaches (including OIA requests) across CAA, in accordance with its 'Breaches Framework'. The report includes type and volume of breaches, root cause analysis and mitigations applied. This is reported to a Board committee for their awareness and oversight.

We suggest CAA build on its processes by considering how, through quality assurance checks, it can evaluate the effectiveness of its OIA handling system as a whole. One way to do this is, at regular intervals, to take a sample of official information requests post-closure and examine factors such as:

- consistency of approach across similar requests;
- the reasons for any delays; and
- how involved the Resolutions team has been in processing the OIA request and whether additional support or training may be needed in a particular area of the agency.

The agency could report any findings from the above process for senior leaders to actively consider and address.

Action point

Consider conducting quality assurance of a sample of completed OIA requests and reporting outcomes to senior leaders.

Appendix 1. CAA's response to provisional action points

Action point	CAA planned implementation
1. The Chief Executive and senior leaders should make clear, visible, and regular statements to staff about the importance of the OIA, linking this to the agency's commitment to openness and accountability.	- CAA will formalise regular Chief Executive and senior leader communications. - The messaging will be embedded in staff forums, training and internal comms.
2. Senior leaders to ensure staff are recording public interest considerations and reasons for extensions.	- CAA will update templates and guidance. - CAA will introduce quality assurance checks to ensure consistent documentation.
3. Senior leaders should ensure all staff complete OIA training appropriate to their role.	CAA will introduce tiered training programme (induction, awareness, role-specific modules) and will explore feasibility of providing awareness of OIA to frontline staff.
4. Senior leaders should ensure advanced OIA training is available for the Resolutions team.	- CAA will look into or develop advanced modules/courses for Resolutions. - CAA will leverage Ombudsman resources for bespoke/advanced training.
5. CAA should ensure adequate digital tools for staff to facilitate the efficient processing of requests in accordance with the OIA.	To be assessed on an ongoing basis and as part of CAA's Business Transformation programme (e.g. case management, workflow solutions).
6. Chief Executive to consider ways to improve staff attitudes to the OIA, such as additional OIA training for SMEs, particularly targeting the areas that are less positive about the OIA.	To be addressed through the implementation approach outlined in points 1 and 3.
7. Develop a clear process for staff to escalate to senior leaders the OIA requests that are delayed by SMEs, and update guidance documents accordingly.	- CAA will introduce clear escalation pathway and expectations for business groups. - This will be addressed through the implementation approach outlined in point 2.
8. Senior Leaders should prioritise developing a high level OIA strategy that defines leadership responsibilities and is clearly communicated to all staff.	We will develop a publicly available document which outlines our approach, roles, responsibilities and priorities to the OIA.

Action point	CAA planned implementation
9. Senior leaders to consider proactively publishing responses to OIA requests.	CAA will explore phased publication approach focusing on high-interest and data/analytics-based responses.
10. Develop a proactive release policy with senior leader accountability, and consider publishing it on the website.	- CAA will establish formal policy and governance. - CAA will embed into BAU processes and consider publication.
11. Update the OIA webpage to include our suggestions.	CAA will update the OIA webpage that is accessible to the public.
12. Consider publishing more internal policies on the website, especially those relevant to openness and transparency.	This will be done as part of the action point 11.
13. Senior leaders to develop guidance or an agreement regarding ministerial interactions on OIA requests, and consider publishing the document.	- CAA will formalise current practices into written guidance. - This will be addressed through implementation approach outlined in point 2.
14. Collect, analyse, and report further OIA data in accordance with our suggestions.	- CAA will capture additional data (extensions, time, trends) to support performance monitoring. - Some parts of the data collection require technology investment as part of the Business Transformation programme.
15. OIA reporting to senior leaders and the Board should include more qualitative data on the handling of OIA requests (especially outcomes), incorporating our suggestions.	CAA will enhance reporting to include qualitative data and trend analysis.
16. Consider conducting quality assurance of a sample of completed OIA requests and reporting outcomes to senior leaders.	CAA will consider introducing quality assurance review of completed OIA requests and report outcomes to the leadership.

