

## Advice for agencies on information requests and AI

How to deal with official information requests made using or about AI and process requests with the assistance of AI

*New Zealand's official information legislation is a powerful way for people to access government information and participate in our democracy.*

*The increasing use of Artificial Intelligence (AI) is reshaping the way information is accessed, interpreted and understood. Some people are choosing to use AI to help them with official information requests.*

*AI can help both requesters and agencies to summarise, organise and refine information. However, AI does not get it right all the time. AI can create official information requests which are long, complex and misleading.*

*This guide has some practical advice to help agencies deal effectively with official information requests made using or about AI. It also contains some advice for agencies to consider if choosing to use AI themselves to help process requests.*

*Please also see our guide on [Practical advice for requesters on how to use AI responsibly](#).*

*AI is a developing area, and we will update this guide from time to time. Please [contact us](#) if you have any queries that are not addressed in this guide. This will help us develop and enhance this guidance over time.*

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## What is AI?

**Generative AI** (Gen AI) recognises patterns in large datasets to create new content, such as text and images. Commonly used tools include ChatGPT, Claude, Microsoft 365 Copilot and Google Gemini.

**An AI bot** is a computer program that uses artificial intelligence to do tasks or talk with people like a human.

**Agentic AI** is an AI system designed to operate independently, make decisions, and take multi-step actions to achieve a broad goal with little human oversight.

A **prompt** is the instruction, question, or input you give an AI tool to tell it what to do or how to respond.

## Frequently asked questions about AI generated requests

### Does using AI make a request for official information invalid?

Not usually. AI is just another tool available when a person makes a request for official information. That includes generating a request from a prompt.

When Ministers and government agencies (agencies) receive a request for official information they must respond in accordance with the legislation, unless the request doesn't satisfy the requirements in section 12 of the Official Information Act (OIA) or section 10 of the Local Government Official Information and Meetings Act (LGOIMA).

Section 12 of the OIA says that a request can be made by any '*person*', being:

- a New Zealand citizen or resident;
- a person in New Zealand; or
- a body corporate either incorporated in New Zealand or with a place of business in New Zealand.

Section 10 of the LGOIMA says that a request can be made by any '*person*', no matter who they are or where they are located.

There must therefore be a human involved in **deciding** to make the request, even if they are getting assistance from AI in drafting it.

It is possible that an official information request could be made by agentic AI without any human involvement. This might happen, for example, if a person asked agentic AI to find them information about a particular subject matter, but did not specifically instruct it to make an official information request to your agency. If it appears agentic AI may be making an official information request without specific human direction, agencies can contact the requester to confirm their request and personal identity. Agencies are entitled to satisfy themselves that a

requester is eligible to make a request under section 12 of the OIA or section 10 of the LGOIMA, where that is not obvious.

If a request is made by email or over the internet, and with no clear connection to New Zealand, agencies are entitled to ask reasonable questions to check whether the person is eligible to make a request under section 12 of the OIA.<sup>1</sup> However, agencies that wish to query eligibility should do so promptly so as to not unnecessarily delay the proper processing of a valid request.<sup>2</sup>

If you are concerned that an AI bot is targeting or spamming your agency, and making official information requests without any human involvement, contact your security team immediately.

## **What if a request made using AI contains inaccurate information?**

Requests drafted with the assistance of AI might misrepresent the obligations and provisions set out in the official information legislation. They might make references to Ombudsman decisions or case law that doesn't exist.

However, just because a request contains inaccuracies it doesn't mean the request for official information itself is invalid. Indeed, people sometimes make mistakes in their requests without using AI, as well.

Agencies can address any inaccurate statements when considering and/or processing a request and providing the response.<sup>3</sup> They should also advise the requester that if they are not satisfied with the response given, they can complain to the Ombudsman (through our [complaint form](#)) to seek an independent and impartial review.

## **Can I tell a requester that AI has got something wrong?**

Yes. It's fine to tell a requester that their request includes a statement which is incorrect or that it appears AI has complicated their request or misinterpreted the legislation.

If there appears to be a misunderstanding about how the OIA or the LGOIMA works, agencies can politely correct this. This will mean the requester has a better, more efficient experience exercising their rights to seek access to information in the future.

If a requester is unhappy about your advice in this regard, you may point them to our relevant guidance. If they remain dissatisfied or are having difficulty accepting your response, you can advise them they can complain to the Ombudsman (through our [complaint form](#)) to seek an independent and impartial review.

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<sup>1</sup> For further information see our guide [Requests made online](#), at page 4.

<sup>2</sup> Note the 20 working day maximum time limit for response does not stop while agencies are checking eligibility.

<sup>3</sup> Agencies may also wish to contact requesters to seek their clarification of the request. See further discussion below under [Agencies must give requesters reasonable assistance](#).

## What issues can arise when dealing with an AI-generated request?

### 1. Requesters must be specific in their request

Section 12 of the OIA and section 10 of the LGOIMA say the information requested must be '*specified with due particularity*' by the requester. This means the agency must reasonably be able to identify what information is being requested.<sup>4</sup>

As AI can sometimes suggest requests that are unnecessarily broad and overly complex, we have encouraged requesters to review their draft request before submitting it to an agency to ensure it is clear.<sup>5</sup>

Agencies should contact the requester to explain when there are challenges due to the request not being specified clearly, and how this might be able to be resolved. Agencies must provide reasonable assistance to requesters to make their request with due particularity.<sup>6</sup> If a requester does not respond, agencies may consider whether to:

- decline to respond on the basis the requester has not made a valid request that is specified with due particularity; or
- refuse the request on an administrative ground under section 18 of the OIA or section 17 of the LGOIMA.<sup>7</sup>

### 2. Agencies must give requesters reasonable assistance

Under section 13 of the OIA and section 11 of the LGOIMA, agencies must give reasonable assistance to a person to help them make a request in accordance with the requirements of the Act (e.g. specified with due particularity) and to the right agency.

For example, you may need to contact requesters to seek their clarification if the use of AI has made the wording of their request difficult to understand. As with any other request, agencies should go back to the requester if the request is unclear.

If you need to ask for clarification, you should do so in a timely fashion. If you request amendment or clarification of a request within 7 working days, the amended or clarified request will be treated as a new request that restarts the maximum time limit for response.<sup>8</sup>

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<sup>4</sup> For further guidance about due particularity, please see our guides: [The OIA for Ministers and agencies](#) at page 13, and [The LGOIMA for local government agencies](#) at page 12.

<sup>5</sup> See our guide for requesters, [Using AI responsibly to make an OIA request](#).

<sup>6</sup> See discussion below under [Agencies must give requesters reasonable assistance](#).

<sup>7</sup> For further information on s 18 of the OIA and s 17 of the LGOIMA see our guides [Substantial collusion or research](#) and [Frivolous, vexatious and trivial](#).

<sup>8</sup> If amendment or clarification is sought by the agency after the first 7 working days, or if the requester declines to amend or clarify the request, the agency must respond to the request within the original time limit; see s 15(1AB) of the OIA and s 13(7) and (8) of the LGOIMA.

### 3. Extensive and broad requests

Using AI to draft a request may result in the requester asking for more information than they are actually looking for. When a request or part of a request is so broad that it will take significant time and resources to respond to, the agency has a number of options:<sup>9</sup>

- contact the requester and explain the impact of the request and enquire whether they wish to amend (refine or refocus) their request;<sup>10</sup>
- consider providing the requester with access to the information in an alternative form, e.g. a summary, excerpt or briefing;<sup>11</sup>
- make use of the ability to extend maximum response times where that is necessary in the circumstances of a particular request, because of the volume of information at issue, or the need for consultation to be undertaken;
- consider whether it would be appropriate to grant the request and release the information later (but without undue delay);
- consider charging the requester for providing all the information they have requested;<sup>12</sup> and
- consider refusing the request on the basis of substantial collation or research.<sup>13</sup>

#### Case study—Agency could provide summary of AI chat logs

An official information request was made to a Parliamentary Under Secretary, for AI chat logs from their use of Gen AI tools, including any use of ChatGPT, Microsoft Copilot and Claude.

The request created an administrative burden due to the large volume of information in scope and the time and effort required to identify, review and assemble the information, and consider redactions. The Under Secretary could not identify ways to reduce the administrative burden, such as through charging or extending the time frame for response.

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<sup>9</sup> For further guidance, see our guides: [The OIA for Ministers and agencies](#) which includes Troubleshooting tips at page 40, [The LGOIMA for local government agencies](#) which includes Troubleshooting tips at page 46, and [Substantial collation or research](#).

<sup>10</sup> See the comments [above](#) about seeking amendment or clarification of a request.

<sup>11</sup> This could assist where releasing the information in full would impair efficient administration. For further guidance about release in alternative forms, see our guides [The OIA for Ministers and agencies](#) at page 30, and [The LGOIMA for local government agencies](#) at page 28. See also below, [Can I use AI to create a summary of the information requested?](#)

<sup>12</sup> See also below, [Can I still charge if I use AI to help process a request?](#)

<sup>13</sup> Note, agencies need to consider charging, extending the time limit and consulting the requester before deciding to refuse a request on the basis of substantial collation or research. See also below, [Can I still refuse a request on the basis it would require substantial collation or research if AI is available to help me search?](#)

The Chief Ombudsman found it was reasonable for the Under Secretary to respond to the request by providing a summary of the information under section 16 of the OIA. This was on the basis that providing a full copy of the information requested would impair efficient administration, and the summary would allow the requester to make further, more specific requests.

The summary explained the volume, subject matter and nature of how the Under Secretary had used Gen AI in his official capacity. The Under Secretary used ChatGPT to help in development of the summary. It was then manually validated and adjusted to ensure accuracy.

For more details see our [case note 036006](#).

#### 4. Potentially frivolous and vexatious requests

Using AI to draft requests for information may result in a large volume of repetitive, complex requests from a requester, made at the same time or in short succession. These requests may also contain incorrect references and assertions about the legislation or your agency.

Agencies may wish to contact the requester to confirm the legitimacy of their intentions, the information they are seeking access to, and whether they wish to prioritise any of their requests.

Depending on the person's response, agencies may consider whether any requests should be refused on the basis the request is frivolous or vexatious.<sup>14</sup> Essentially, a request may be refused as vexatious when the requester is abusing their right to request official information. For example, this may arise in circumstances where the requester is using AI to:

- send multiple, overlapping requests for information that you have already considered in response to earlier requests;
- seek information to a level of detail and degree out of proportion to the issue they are seeking to pursue;
- send requests that appear intended to disrupt your work or impact your resources; or
- send requests to pursue matters you have already told them you consider closed.

It may also arise where a group of requesters are using AI to send a high volume of related information requests as part of a campaign.<sup>15</sup>

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<sup>14</sup> See our guide [Frivolous, vexatious and trivial](#).

<sup>15</sup> In this scenario, proactive publication of the relevant information or batching responses could assist in managing any ongoing requests for the information.

### Case study—Agency could refuse high volume information requests as vexatious

*Note, this case study does not directly discuss requests made using AI but is illustrative of our approach to the vexatious refusal ground.*

A number of information requests were made to a Council over ten months. The complainant's tone was polite and some of the requests, if made in isolation, may not have been considered vexatious. However, the cumulative effect was vexatious given the high volume of requests requiring significant Council effort.

The complainant was entitled to raise concerns, be interested in their local community, and request information. However, this needed to be exercised in a proportionate and reasonable manner. In this case, the number of requests and the nature of many of them had gone beyond what was reasonable, and had become excessive or disproportionate, and an abuse of the right to request information under the LGOIMA.

As well as affecting the Council's ability to respond to requests from other people and carry out its general role, the volume of the requests required a disproportionate amount of Council resource to respond.

The requests often contained multiple parts and could be repetitive or very similar to previous requests. The complainant frequently responded to the Council, expressing dissatisfaction with its decisions and asking follow-up questions. In addition, a number of requests were for information that was already publicly available or asked the Council to create information.

The Council did not automatically rely on the vexatious refusal ground but gave due consideration to each request. The complainant still had reasonable access to Council information.

In the circumstances, the Chief Ombudsman upheld the Council's decision to refuse some of the requests as vexatious, under section 17(h) of the LGOIMA. The frequency and nature of the complainant's requests suggested they were not exercising the right to request information under the LGOIMA in good faith.

For more details see our [case note 009781](#).

See also [case note 019638](#), [case note 024643](#) and [case note 013660 & 013657](#).

## Frequently asked questions about requests for AI generated information

### Is AI generated information subject to the OIA or LGOIMA?

Yes, just like any other information held by your agency.

If an agency uses AI for official purposes, any information generated and retained will be held by that agency and therefore subject to the OIA or the LGOIMA.<sup>16</sup> This includes the prompts used to generate the information, and the responses to those prompts.

There may, of course, be a reason for refusing a request for such information in the circumstances—as discussed below under [Can I refuse a request for AI generated information?](#)

### Does my agency need to retain AI generated information?

New Zealand's Public Records Act 2005 requires an agency to '*create and maintain full and accurate records of its affairs, in accordance with normal, prudent business practice*'. Just like any other information, the Public Records Act requirements are applicable to information generated through the use of AI. Archives New Zealand states:<sup>17</sup>

*AI technologies can be used to inform decisions and carry out key business activities. The way AI is used—and the outputs—are integral components of full, accurate and accessible records of the affairs of government.*

AI generated information should therefore be retained in accordance with good record keeping requirements and the context in which it was used.

Some AI prompts and outputs may be facilitative or transient material that could be disposed of in accordance with your agency's relevant disposal authority. Other AI generated information may need to be retained, for example where it influenced or contributed meaningfully to a final version, action or decision, and where the prompt is necessary to understand how the content was produced. Agencies should consider relevant Archives New Zealand and Government Digital Delivery Agency guidance,<sup>18</sup> and ensure their record keeping policies are up to date and cover AI generated information.

When a request for access to AI generated information is received, you should search any records kept both in your relevant information management systems and the Gen AI tool itself.

If information that should have been retained is not available, you may be asked by the Ombudsman to recall relevant information from memory. Consideration may also need to be

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<sup>16</sup> Including where Ministers, local authority Members or officials use personal AI accounts for official purposes.

<sup>17</sup> See [Artificial Intelligence and public and local authority records](#).

<sup>18</sup> Above, n 17. See also [Records management for AI](#).

given to your agency's record-keeping policies, systems and processes, and its compliance with the Public Records Act.

## Can I refuse a request for AI generated information?

When the scope of an information request covers AI generated information, you should consider whether there are any reasons for refusing the request in the same way as you would for any other information at issue. This includes consideration of the relevant refusal grounds under the OIA or the LGOIMA. In essence, consider:

- whether there would be any administrative difficulties in granting the request (section 18 of the OIA, section 17 of the LGOIMA); and
- the content of the information and whether in the circumstances there would be any harm in release (sections 6 and 9 of the OIA, sections 6 and 7 of the LGOIMA).

Where administrative difficulties arise, you should also consider the tools available in the OIA or the LGOIMA to manage large or complex requests, including the option under section 16 of the OIA and section 15 of the LGOIMA to provide the information in summarised form.<sup>19</sup>

### Examples of issues to consider with requests for particular types of AI generated information

- When AI is used to help develop policy advice and other work products.  
*Is it necessary to withhold information to protect the development process, such as where the information would reveal early blue skies thinking, robust testing of ideas or confidential advice to Ministers?<sup>20</sup> Is there a public interest in the release of information which informed final decisions?*
- When AI is used to interact with members of the public—such as through AI chatbots to collect information, triage enquiries or help people navigate government services.  
*Is it necessary to withhold information to protect people's privacy or an obligation of confidence?<sup>21</sup>*
- When AI is used to summarise legal advice.  
*Is it necessary to withhold information to maintain legal professional privilege? Note, this may be more difficult to demonstrate if the summary of legal advice is*

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<sup>19</sup> See above [Extensive and broad requests](#) and [Potentially frivolous and vexatious requests](#). See also below [Can I use AI to create a summary of the information requested?](#)

<sup>20</sup> See our guide [The OIA and the public policy making process: A guide to how the OIA applies to information generated in the context of the public policy making process](#).

<sup>21</sup> See our guides [Privacy: A guide to section 9\(2\)\(a\) of the OIA and section 7\(2\)\(a\) of the LGOIMA](#) and [Confidentiality: A guide to section 9\(2\)\(ba\) of the OIA and section 7\(2\)\(c\) of the LGOIMA](#).

*not identified as such or not easily severable from a general summary of a range of material.*<sup>22</sup>

- When AI is used to summarise large volumes of information, such as by identifying themes, patterns and emerging issues.

*Is there any identifiable harm in release of the summarised information?*

### Case study—Exploratory use of AI to develop thinking could be withheld

An information request was made to a Minister for a policy paper produced with the help of AI.

The paper was produced in a short time. It contained advice generated after prompts to Microsoft Copilot by a Senior Ministerial Advisor. The paper was verbally commissioned by the Minister as an exercise in exploring the use of AI and no decisions were made as a result.

The Chief Ombudsman found the paper could be withheld under section 9(2)(g)(i) of the OIA to maintain the effective conduct of public affairs through the free and frank expression of opinions. Interaction with AI tools to develop thinking is analogous to early ‘blues skies’ stages of developing policy advice. In this case, additional context was the early adoption of AI tools where their effectiveness and uses were still being explored.

The AI chat log showed the free and frank thoughts of the Senior Ministerial Advisor as they used Microsoft Copilot to develop their thinking and the advice that might be provided. The end result was simply put into a ‘paper’ and maintained its free and frank nature.

The Ombudsman considered interaction with Gen AI tools to develop thinking, such as through prompts and responses within the tool, are free and frank in nature and comparable to early stages in the development of advice. He also considered release of this type of exploratory thinking would have a real prejudice to the future use of such AI tools.

The effective conduct of public affairs is supported by Ministers and officials engaging with AI tools in a free and frank way to assist their work. At this early stage in the use of the technology, such engagement enables more effective identification of the ways these tools may assist. This is particularly the case where AI has been identified as a primary tool of innovation to drive efficiencies within the public sector.

The Ombudsman did not identify any public interest in release that would outweigh the need to withhold the information, as the paper was not used for anything beyond

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<sup>22</sup> See our guide [Legal professional privilege: A guide to section 9\(2\)\(h\) of the OIA and section 7\(2\)\(g\) of the LGOIMA](#).

exploratory advice. While there is a general public interest in the release of information about the Government's adoption and use of AI, in this case the public interest did not outweigh the need to withhold the specific information as the advice was not used for any decision-making.

The Ombudsman acknowledged there will generally be a public interest in the disclosure of information about the extent to which AI has been involved in the generation of advice and decision-making by Ministers and officials.

For more details see our [case note 044446](#).

## Does AI generated information have to be released if it is inaccurate?

Just because information is inaccurate, it does not mean that it can be refused on request.

Unless there are good reasons for refusing the request as set out in the legislation, the information must be made available.

If you have doubts about the accuracy of information you hold which has been generated by AI you should take the opportunity to explain that to the requester, such as how the accuracy of the information was assessed and the use that was made of it by your agency.

## Potential benefits of AI for agencies in processing information requests

There are benefits for agencies in using AI to assist in processing information requests. While decision making on requests should still be done by people, AI has the potential to assist you to:

- speed up triaging of requests;
- help monitor response times;
- help find and suggest relevant information that may fall within the scope of a request;
- help search wider records to ensure all information within the scope of a request is identified and considered;
- help draft the wording of responses, for example to simplify complicated correspondence, putting it into plain English;
- help provide a summary of information, for example:
  - when large datasets or complicated documents are to be released, to improve public understanding of the information;

- to protect against any harm in release and/or satisfy the public interest in disclosure when there is a need to withhold the full information; or
- to meet the option to provide the requested information in an alternative form;<sup>23</sup>
- assist with making redactions when a decision has been made on the information to be withheld;<sup>24</sup> and
- identify frequently requested information that could be proactively disclosed.

In all cases, the suitability of the AI tool for the task at hand should be carefully considered, with relevant processes in place to check the veracity of the outputs.

### Protecting the security of information

When using AI tools to help process official information requests, agencies should ensure they have relevant protocols in place to protect private, confidential and sensitive information.

This could include configuring AI tools to keep agency information secure and providing guidance about what information may be shared with AI tools through prompts.

## Frequently asked questions about using AI to help process information requests

### What should I consider when using AI to help collate the information requested?

AI may be of assistance to help collate the information requested, such as by searching records to find information within the scope of a request and assembling it for consideration.

The agency should keep a record of the relevant search parameters and the information identified by the AI tool. An agency official should also review the information to consider whether it broadly encompasses what was expected to be identified and whether any additional manual searching is also needed.

The agency should advise the requester that AI has been used to help collate the information at issue.

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<sup>23</sup> See our guides: [The OIA for Ministers and agencies](#) at page 30, and [The LGOIMA for local government agencies](#) at page 28.

<sup>24</sup> If using AI for this purpose, agencies should check information has been redacted **accurately** (with good reason) and **properly** (removed from the text, not just hidden in some fashion).

## Can I still refuse a request on the basis it would require substantial collation or research if AI is available to help me search?

Yes. You can refuse a request if, even when using AI, there is too much work involved for agency officials in finding the information and bringing it together.

Collation and research involves:

- determining whether the requested information is held;
- searching for and identifying the requested information;
- retrieving and extracting the requested information;
- assembling or compiling the requested information; and
- reading and reviewing to ensure the relevant information has been identified.

Where a request covers a large amount of information, AI can assist in these tasks. However, an agency official must still read and review the information located by an AI tool to consider:

- whether it broadly encompasses what was expected to be identified;
- whether there is any information identified that is not within the scope of the request; and
- whether any additional manual searching is also needed.

If these tasks will be ‘substantial’ agencies may consider refusing the request on the basis it would require substantial collation or research.

Remember, the usual parameters will still apply—for example agencies need to consider charging, extending the time limit and consulting the requester before deciding to refuse a request on the basis of substantial collation or research.<sup>25</sup>

### What about the time needed to read and review the information to identify deletions?

The time needed for an agency official to read and review the identified information to consider whether any information should be withheld, is part of decision-making time. Refusing a request on the basis it would require substantial collation or research does not generally encompass pure decision-making time.

However, an agency official may sometimes read and review the information to carry out two tasks at once—both to confirm the relevant information has been identified (research and collation) and to consider any need to withhold (decision-making time). In this scenario, the time taken can be counted as part of collation and research.

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<sup>25</sup> See our guide [Substantial collation or research: A guide to section 18\(f\) of the OIA and section 17\(f\) of the LGOIMA](#).

If there is a concern that the decision-making time will be substantial, then consider whether a summary of the information could be created and released to the requester. This would be on the basis that the time taken to release a full copy of the information with deletions would impair efficient administration.

Section 16 of the OIA and section 15 of the LGOIMA say that agencies can provide the information to the requester in a number of different ways, including ‘*by giving an excerpt or summary of the contents*’. If the requester says that they prefer to receive the information in a particular way (eg a copy), the agency must provide it in that format unless doing so would impair efficient administration or cause a harm that is protected by the withholding grounds in the OIA or the LGOIMA.

Impairing efficient administration is a broad concept that is wider than ‘*substantial collation or research*’ and can include decision-making time and the time to make deletions and prepare information for release.

See our [case study](#) above, for an example of when a summary of the requested information was released instead of a full copy.

## Can I use AI to create a summary of the information requested?

Yes. You may wish to consider releasing a summary of the information requested, for example where release of a full copy:

- would impair efficient administration; or
- would cause a harm that is protected by the withholding grounds in the OIA or the LGOIMA.

Summaries can also be useful to put released information in context, including where large datasets or complicated documents are to be released.

AI can be used to help create a summary of the information requested. However, an agency official should check the summary to consider whether it is a fair reflection of the information at issue and adjust the summary where necessary.

To check the summary, the agency official will need an understanding of the information at issue. Where the request involves a large amount of information, the agency official may not be able to consider all of the information in detail to check it against the summary. However, they should still ensure they have a broad understanding of the nature of the information (for example through knowledge of the relevant subject matter, sampling, identification of topic areas, consideration of document titles etc).

The agency should also advise the requester that AI has been used to help create the summary, that it has been checked by an agency official before release, and any limits around accuracy.

## Can I still charge if I use AI to help process a request?

Yes. Agencies can make a reasonable charge for providing information to a requester. Charges can be made for the labour, materials and other actual and direct costs involved. This includes time spent on:

- collation and research;
- editing to make redactions; and
- scanning and copying.

AI can assist in these tasks, and can likely do it in a very short period of time. However, charges can still be made for the time involved in reasonably required peer review by an agency official to ensure these tasks have been carried out correctly.

Remember, where a charge is made the usual parameters will apply—such as applying relevant charging policies and considering whether the charge should be reduced or waived in the circumstances.<sup>26</sup>

### What about charging for the cost of using AI?

There may be a cost to the agency in using AI. Where this is the most efficient and effective way to retrieve and prepare information for release, that cost (such as AI token usage) may be reflected in the charge where that is reasonable.

## Keeping good records when using AI to assist in processing information requests

Where AI is used to assist an agency in its OIA or LGOIMA processing it is important for the agency to:

- document:
  - what the AI tool was asked to do, and what parameters it was given;
  - the prompts the AI tool was given, including any further prompts meant to refine searches or exclude certain information;
  - where an AI tool was tasked with identifying, collating, summarising or redacting information, what information the AI identified, including a record of what was included or excluded and why.
- advise the requester:

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<sup>26</sup> See our guide [Charging: A guide to charging for official information under the OIA and LGOIMA](#).

- when an AI tool was used to help identify, collate, summarise or redact information; and
- what vetting of that work was done by agency officials.

It is important to keep good records, so that an agency may:

- do internal quality assurance on its OIA or LGOIMA decision making, including its compliance with obligations under section 17 of the Public Records Act;
- respond to an Ombudsman's queries into the agency's rationale for refusing a request, if a complaint is made under the OIA or the LGOIMA; and
- rely on the statutory protections afforded to agencies when they decide to release information in good faith under the OIA or the LGOIMA.<sup>27</sup>

The onus is on the agency to demonstrate that its decision making—including any elements of AI-assisted decision-making—was reasonable and proportionate, sufficiently documented and justified on the facts.

If an agency has incomplete record keeping or cannot explain what it did or why, the Ombudsman may not be persuaded that the decision was administratively sound.

#### **Final note—keep a human in the loop**

In all cases it is important to remember that responding to requests for official information requires judgement, analysis and a sound understanding of the legal requirements and obligations.

While AI can help identify and sort official information more efficiently, it can't replace the critical assessment and decision-making that officials in your agency must apply and will be accountable for.

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<sup>27</sup> Section 48 of the OIA; section 41 of LGOIMA.