

Policy

LOCAL GOVERNMENT OFFICIAL INFORMATION AND MEETINGS ACT 1987 REQUESTS

TEAM:	Customer Services
RESPONSIBILITY:	Customer Services
ADOPTED:	27 February 2020
REVIEW:	Every 3 years or as required
CONSULTATION:	Consultation undertaken as per s82, Local Government Act 2002
RELATED DOCUMENTS:	Local Government Act 2002, Local Government Official Information and Meetings Act 1987, Privacy Act 1993, Ashburton District Council Schedule of Fees and Charges.

Policy Objective

1. To enable Council to respond to requests for official information under LGOIMA without incurring undue financial impacts on the organisation.
2. To provide clear guidance for requesters of information and Council staff regarding what information will be charged for.

Background

The Local Government Official Information and Meetings Act 1987 (LGOIMA) aims to make official information held by local authorities more freely available.

LGOIMA looks to promote:

- effective participation by the public in actions and decisions of the local authority;
- the open and public transaction of business of the Council; and
- accountability of elected members and Council Officers.

There are protections from disclosure. Reasons to refuse a request are set out in Section 17 of the Act.

If the reply to a request for information is likely to take a significant amount of time to research, collate and copy, the Ashburton District Council is allowed under LGOIMA, to charge for the provision of the information.

Council may work with an applicant to narrow the scope of their request to reduce the time involved in dealing with it.

Policy Statement

1. Official Information Response – Non-chargeable

- 1.1 When fulfilling requests for official information the following will be provided free of charge:
- The first one hour of staff time spent on fulfilling an official information request;
 - The first twenty single side pages of black and white photocopying or printing.

2. Official Information Response - Chargeable

- 2.1 When fulfilling requests for official information the following will be provided and charged for:
- Staff time taken to gather and provide information in excess of one hour.
 - Photocopying or printing in excess of the first twenty single side pages of black and white photocopying or printing.
- 2.2 This will be charged at a rate set in the Council's schedule of Fees and Charges contained in either the Council's Annual Plan or Long Term Plan.
- 2.3 All other charges incurred shall be fixed at an amount that recovers the actual costs involved. This includes:
- producing a document by computer or other like equipment,
 - colour photocopies,
 - reproducing a photograph, film, video or audio recording,
 - arranging for the requestor to hear or view an audio or visual recording, or
 - providing a copy of any maps, plans or similar documents.
- 2.4 The rates charged are as outlined in the Ministry of Justice Guidelines and may be amended in Council's schedule of Fees and Charges to reflect any changes in Ministry Guidelines.

3. Implementation of Charges

- 3.1 The requester will be advised of the estimated cost of their request (if any) as soon as practicable following Council receiving the request. The requester then has the option of proceeding, withdrawing or refining their request.
- 3.2 In accordance with section 13(4) of LGOIMA, Council may require that whole or part of any charge be paid in advance. A deposit will only be requested when the decision has been made to release the information.
- 3.3 Requestors are able to make a complaint to the Office of the Ombudsman in regards to the proposed charge.
- 3.4 The requester will be invoiced for any charges to be paid (net of any deposit already paid) at the time the information is provided and is subject to Council's normal invoicing procedures.
- 3.5 Charges may be waived in whole or in part at the discretion of the Chief Executive Officer. This will generally be in a situation where there is an agreed public interest in the disclosure of the information requested.

4. Managing frivolous, vexatious or trivial requests

- 4.1 Council acknowledges that while most LGOIMA requests are reasonable, there are circumstances where unreasonable conduct will occur.
- 4.2 Council may refuse a request for information under section 17 of the Act where the request is frivolous or vexatious or that the information requested is trivial.
- 4.3 Where a Council officer feels that a request is frivolous, vexatious or trivial, the matter will be escalated to the Chief Executive Officer.