



### **Why is this investigation being done?**

Parliament has recently funded the Chief Ombudsman to carry out self-initiated investigations of agency official information practices on a regular basis.

This is hugely important work to ensure we provide the public with continuing trust and confidence in public sector agencies ability to operate effectively. The Official Information Act (OIA) and the Local Government Official Information and Meeting Act (LGOIMA) are cornerstones of New Zealand's democracy.

### **What are you looking for?**

The intended outcomes from these investigations is to lift the OIA/LGOIMA performance of the agencies investigated. The investigation will identify areas of good practice, and make suggestions for improvements if any are identified and, over time, help improve capability in official information administration and decision making.

### **It seems that this will take up a lot of resources. Is this type of investigation really necessary?**

True, it will take time and resources, but not an onerous amount. However, it will also yield substantial benefits for both the agencies involved and requesters of official information, and, over time, the public sector in general. So, it's a matter of taking the time now to be more efficient later.

### **Why were these four agencies selected?**

The criteria, as set out in the media release, provides us with a template for selecting the types of institutions we want to look at.

I have a greater focus on councils, so two have been chosen, but they are different and geographically diverse – urban (Christchurch), smaller district (Horowhenua). As one of three 'central agencies' providing state sector leadership, along with the State Services Commission and the Department of Prime Minister and Cabinet, it is particularly important that The Treasury's policies and practices support the fulfilment of the OIA's purposes.

It is important to remember that we are in the early days of these investigations, having completed four last month. Over time, we will get a clearer picture of what is going well across all state agencies, and where and why some systemic challenges appear for certain groups.

### **What parts of our OIA practices will be looked at?**

The investigation aims to establish whether the agencies have good practice in place across five dimensions:

- Leadership and culture

- Organisation structure, staffing and capability
- Internal policies, procedures, resources and systems
- Current practices
- Performance monitoring and learning.

### **What happens next?**

The Chief Ombudsman has met with the Chief Executives and relevant management from each agency. There is a framework for getting the information needed and this includes surveys for staff, the agency, and the people or organisations who have had an OIA request in the past year about the agency.

### **Won't the public survey just potentially reopen old cases?**

No – the survey looks at the agency's processes, and the experience people had with the agency. It will not look to reopen individual cases.

It will also not be a mechanism for requestors to submit fresh complaints – the usual process for making a complaint to the Ombudsman will remain in place.

### **How confidential are the surveys and meetings with staff?**

The survey responses and meetings will not be anonymous, in order to ensure that the responses can be verified. However, individual survey responses or comments made at meetings will be held in confidence by the Chief Ombudsman and not shared with the agency. Aggregate data and unattributed comments may appear in the Chief Ombudsman's investigation report, which will be published.

This investigation will be conducted in secret, in accordance with section 21 of the Ombudsmen Act 1975.

### **It does look like you are going after Horowhenua District Council vis-s-vis your strong criticism of them last December for e-mail blocking.**

The issues of the email blocking and this investigation are not related. With the emails, we were looking at one specific, internal issue. What we are looking at with this investigation is the Council's practices under the LGOIMA – how they operate with the legislation and how they deliver information to the public.

### **Are you still considering the complaints of four individuals whose emails were intercepted prior to the introduction of the new policy?**

Yes, and on that basis I can't comment further on that issue at the moment.

### **With Christchurch City Council, is this payback for its handling of the touch-wall saga?**

Not at all. We pick the agencies against a range of criteria, and to get a mix of agencies by size, geography and mandate. My Office is known for its fairness and transparency, and any whiff of bias would be inconceivable.

### **You are investigating two councils and The Treasury – why are you not doing all councils?**

One of my priorities is to have better oversight into councils' practices. However, to give balance, The Treasury was selected so we could benchmark local and central government agencies. The Treasury, as one of three central agencies, provides state sector leadership, so it is important that its OIA policies and practices are sound.

### **How long will the investigation take?**

The investigation will take place in October and November with a draft report anticipated to be presented to each agency end of March. After consultation and comment, we anticipate it being publicly released in mid-year 2019.

### **Okay, I've got some more questions about this. Who should I contact?**

Council's internal contact person is Ian Tate, Information Services Manager ([ianct@horowhenua.govt.nz](mailto:ianct@horowhenua.govt.nz)) and then any queries can be escalated to [oipi.team@ombudsman.parliament.nz](mailto:oipi.team@ombudsman.parliament.nz).

### **Why are you doing three agencies not four this round?**

We had a request from one agency to postpone our investigation, for now, due to capacity pressures. While these are very important investigations, we respect that in rare cases, the timing will not be great. The agency, which I am not at liberty to name, has expressed a real desire to have this work done in the near future, and that is a positive sign.

### **Doesn't postponing one investigation send a signal to others that they need not take part? It's not a good look for the Office of the Ombudsman.**

Au contraire. It is pragmatic, and as I say, a situation I would expect to see very rarely. It's in the best interests of my Office and the agency involved that they can continue 'business as usual', especially in a time of considerable pressure.