

LGOIMA (Local Government
Official Information and
Meetings Act 1987)
Response, Charging and
Proactive Release Policy

2023



Framework Approval

Approved by the Executive Leadership Team 28 November 2023

Purpose

The purpose of the Local Government Official Information and Meetings Act (LGOIMA) policy is to:

- support decision-making processes and information available and accessible to customers
- enable more effective public participation in decision-making and promote the accountability of elected members and officials
- provide clear guidance for requesters of information; and for Council staff when reactively or proactively providing information
- promote good governance and encourage transparency in decision making proactively releasing LGOIMA responses on the Council public website when deemed appropriate

Scope

- this policy applies to all Council employees including elected and appointed representatives, contractors and consultants working on Council business
- this policy applies to any LGOIMA response deemed appropriate for release

Policy

At Horowhenua District Council (the Council), we are committed to conducting our day-to-day business openly and being as transparent as legislation allows. All LGOIMA requests are independently reviewed by the Executive Sponsor to ensure there are appropriate checks and balances in place to ensure the Council is meeting its responsibilities under the Act.

Requests

Requests may be made for information already held. Requests for opinion are not requests for official information. Requests can be made in any form, this includes by email, verbally, or in writing.

Official information pertains to material held in any format including but not limited to:

- reports, policies, letters, emails, information held on our databases, text messages
- video footage, photos
- information that is known to an agency but not yet recorded in writing
- information held by our independent contractors
- information held by elected members in their official capacity

Charging

Council will act consistently with current guidance on [charging](#) issued by the Office of the Ombudsman.

Any decision to charge should also consider the discretion to extend the timeframe for responding to a request under section 13A of the LGOIMA or contact the requester and assist them in identifying or refining the information they are seeking.

Council may decide to charge for one or more of the following reasons:

- the request is likely to consume a considerable amount of labour or resources
- the requester has recently made a large volume of time-consuming requests

- the request is likely to take a significant amount of research, collation, and reproduction of information.

We might ask for some or all of the cost to be paid in advance. Our charging guidelines are detailed below. The Ministry of Justice has issued charging guidelines to be followed by agencies subject to the LGOIMA/OIA. The standard charges at the time of adoption of this policy are:

- \$38 per half hour in excess of one hour
- \$0.20 per page for photocopying in excess of 20 pages

Responses

Council will respond as quickly as possible to LGOIMA requests, and within a maximum of **20 working days**. Day 1 is the first working day **after** the day on which the request was received. Occasionally we may need to extend the timeframe. This happens when:

- the request is for a large quantity of information needing time for research and collation
- the request is complex; and/or
- we need to consult with a third party and need to extend the timeframe.

We will provide communication if this is the case before the original due date.

If the request is overly broad, Council can explore refining the request. In these circumstances, we will request clarification within **7 working days** if the amended request is to be treated as a new request. This is covered under Sections 13(7) of the Act.

In accordance with Section 12 of the LGOIMA, Council will transfer the request to another agency if they are best placed to respond to it. We will transfer the request to another agency promptly, and no later than **10 working days** after the request is received.

Council may be asked to treat requests as urgent. We require a suitable reason if this is the case. We will try and process urgent requests as soon as possible.

Withholding information/Refusal of request

The principle of the LGOIMA legislation is that information should be made available unless there are good reasons for withholding it. The LGOIMA provides statutory reasons for withholding information or refusing a request. The main reasons for withholding official information include:

- prejudice the maintenance of the law
- endanger the safety of a person
- breach the privacy of any natural person (including a deceased person)
- disclose confidential or commercially sensitive information
- protect information which is subject to an obligation of confidentiality
- maintain the effective conduct of public affairs through free and frank expression of opinions by or between elected member and staff and the protection of these people from "improper pressure of harassment"
- maintain legal professional privilege

Requests under the Privacy Act

Anyone can ask for personal information about themselves and this will be considered under the Privacy Act 2020.

The Council will not charge for requests made under the Privacy Act.

Proactive Release of Information

Proactive release of information not subject to a request

We will publish information that helps inform the public about how Council undertakes its core functions. We will publish our corporate information, reports and advice to elected members, and project information.

Proactive release of LGOIMA response

We will publish information provided in response to a request under the LGOIMA. When determining whether to proactively publish a response to a request, our considerations may include:

- whether the information would be of general interest to the public
- whether there has been more than one request for the information, or on the topic the information covers
- the provisions of the LGOIMA and Privacy Act 2020 in respect of withholding official information
- any legal risk to the Council in releasing the official information.

We will advise LGOIMA requesters that responses to them may be published on the Council website. Before publication, all personal details will be redacted from the response to ensure the identity of the requester is not revealed.

The frequency of publishing information which is approved for proactive release under these guidelines is at the discretion of the Council. Such information will be uploaded to our website.

Process

The public can make a request in any form including email, verbally or in writing. Requesters are advised to:

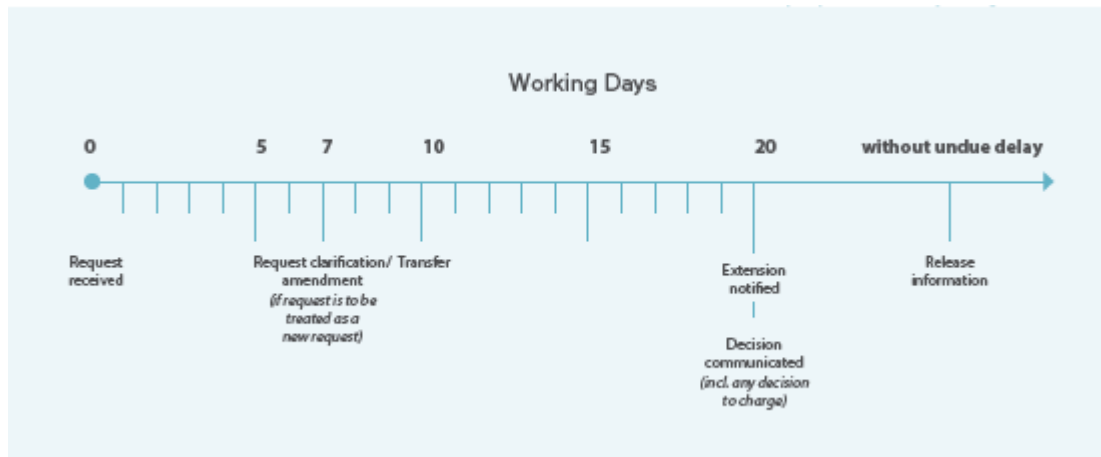
- Email: LGOIMAOfficer@horowhenua.govt.nz
- Phone: (06) 366 0999
- Post: LGOIMA Officer – Private Bag 4002, Levin 5540

Council staff who receive a request for information must email the request to the LGOIMA Officer so that the appropriate process can commence.

How to make a complaint

If a requester is not satisfied with the outcome of their request made under the LGOIMA, they can contact the Office of the Ombudsman and request a review.

LGOIMA Guide



Relevant Legislation

This policy should be read in conjunction with:

- Local Government and Official Information and Meetings Act 1987
- Privacy Act 2020
- Ombudsman Act 1975
- Public Records Act 2005
- Copyright Act 1994

Policy Review

A review of this policy will take place in November 2025.