



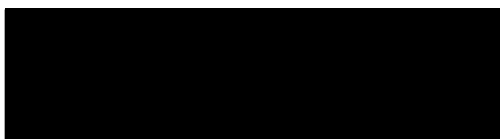
Waitematā
District Health Board

Best Care for Everyone

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13 April 2021



Dear 

Re: OIA request – Charging for Official Information Act requests

Thank you for your Official Information Act (the Act) request received on 30 March 2021 seeking information from Waitematā District Health Board (DHB) about our approach to charging requesters for information supplied under the Act.

Before responding to your specific questions, it may be useful to provide some context about our services.

Waitematā is the largest and one of the most rapidly growing DHBs in the country, serving a population of around 650,000 across the North Shore, Waitakere and Rodney areas.

We are the largest employer in the district, employing around 8,600 people across more than 80 locations.

In addition to providing care to our own resident population, we are the Northern Region provider of forensic mental health services and child rehabilitation services, plus the metro Auckland provider of child community dental services and community alcohol and drug services.

In response to your request, we are able to provide the following information:

- 1. Does your organisation have a policy or guidelines in relation to charging requestors for supplying information under the Official Information Act 1982?***
- 2. If yes, please supply a written copy of the policy/guideline, including grounds for seeking costs for supplying information, charges for photocopying, scanning or other copying of information and the hourly rate for staff time in compiling requests?***

Waitematā DHB has a comprehensive policy governing the management of the Official Information Act process.

This includes a specific section on when and how it may be appropriate to consider charging a requester for the collation work involved in preparing responses.

This policy was developed in discussion with the Office of the Ombudsman in 2018 to ensure the DHB had struck the appropriate balance between maintaining the public interest and protecting the DHB's ability to provide core services.

Please see the DHB's full Official Information Act Policy enclosed and specifically Section 4.10 – 'Charging For Release of Information'.

3. If not, what does your organisation charge for photocopying, scanning or other copying of information and what is the hourly rate for staff time in compiling requests?

Not applicable.

In the 12 months from 01 January 2020 to December 31, 2020:

4. How many requests for information under the Official Information Act did your organisation receive?

During this period, Waitematā DHB received 184 requests under the Official Information Act and all were formally responded to within the period allowed under the Act.

5. Of these, in how many was the requestor advised that they would incur charges for copying and staff time, or any other reason?

There were no occasions where a requester was told they would be charged.

As per the DHB's policy, when a situation arises where a large volume of material is sought, a conversation is initiated to work with the requester to see if it may be possible to refine the scope of their request so as to make it more manageable.

Requesters are generally open to a conversation outlining what information the DHB is able to readily provide and which aspects would be highly resource-intensive to deliver.

The DHB's approach is that any information that can reasonably be provided should be made available.

6. In how many of these, did the requestor pay the required charge for supplying of information?

7. In total, how much did your organisation receive in payments for supplying information under the OIA?

8. What were the largest 10 amounts paid by requestors in charges for fulfilling OIA requests?

As above, no such payments were received as payment was not sought from any requester.

I trust that this information is helpful.

Waitematā DHB supports the open disclosure of information to assist community understanding of how we are delivering publicly funded healthcare. This includes the proactive publication of anonymised Official Information Act responses on our website from 10 working days after they have been released.

If you consider there are good reasons why this response should not be made publicly available, we will be happy to consider your views.

Yours sincerely



Director of Communications
Waitematā District Health Board

Official Information Act Requests (General)

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1. Overview

This document sets out the expected process when dealing with an Official Information request; it applies to all services across Waitemata District Health Board. Waitemata DHB is subject to requests under the Official Information Act 1982. This policy provides guidance on how to address a request for official information.

2. Key Information

2.1 What Is the Official Information Act?

The Official Information Act (OIA) ensures that government activities are open and transparent and that official information is available to the people of NZ in order:

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- to enable their more effective participation in the making and administration of laws and policies; and
- to promote the accountability of Ministers and their officials.

The OIA, however, recognises that not all official information should be made available and allows information to be withheld in certain specified circumstances.

Waitemata District Health Board is subject to the OIA.

2.2 What is Official Information?

Official information is defined as any information held by a Department, Minister of the Crown or government organisation and includes any information held outside New Zealand by any branch or post of a Department or organisation.

All information the DHB creates or holds or which is held on our behalf is official information. This includes paper and electronic records. Information covered by the OIA may be contained in:

- letters
- emails
- reports
- notes or minutes of meetings (formal or informal)/ interviews
- draft documents
- media logs
- mobile phone texts
- computers CD/ Disks
- information held by a contractor/ consultant doing work on our behalf
- recollections of meetings for which minutes were not taken
- information provided to the DHB by others
- oral advice
- data from which information can be derived

2.3 Principle Of Availability

The OIA is based on the overriding principle that information must be made available unless there is good reason for withholding it. This is referred to as the principle of availability.

All decisions on whether to release information must be made with this overriding principle in mind.

2.4 What Is An Official Information Act Request?

A request can be made orally or in writing. It is not necessary for the request to state that it is made under the OIA.

Where the original request is made **orally**, the requester may be asked to put the request in writing, if written clarification is reasonably necessary. If the person declines to do so or is unable to, the agency must record its understanding of the request and provide a copy to the requester.

Requesters do **not** need to mention the OIA in their request. It is enough for an individual simply to ask for information.

The official information requested should be specified with sufficient particularity that it is clear what information is being sought.

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2.5 Who Can Make An Official Information Act Request?

An official information request can be made by:

- a New Zealand citizen (whether in NZ or not)
- a New Zealand permanent resident (whether in NZ or not)
- any other person who is actually in New Zealand
- any body corporate (e.g. a company or a trust or incorporated society) that is incorporated in NZ or that has a place of business in NZ.

If a person making a request does not fall within any of these categories, then they are not entitled to make a request under the OIA and the DHB has no obligation to provide information under the OIA. Such requests should always be acknowledged and consideration should be given to whether the information should be released or the request addressed in some other way.

2.6 Duty Of Assistance

Under **section 13** of the Act the DHB has a duty to give reasonable **assistance** to anyone who:

- is entitled to make a request under the OIA; and
- wants to make a request under the OIA; and
- has failed to make a request with “due particularity”; or
- has not made a request to the appropriate agency.

The “due particularity” provision requires the DHB to clarify a request which is unclear or appears too general/broad in scope, rather than simply refusing the request or trying to guess what the request is seeking.

Requesters should be asked to confirm any conversation clarifying the request in writing, or written confirmation should be provided to them so the request is not misunderstood.

2.7 Time Limit for responding to Requests

A response must be provided as soon as reasonably practicable and no later than 20 working days. Time runs from the first working day after the day on which the request was received.

If a request has been transferred from another agency the 20 working days runs from the day after the request was received from that agency.

A failure to make and communicate a decision on a request for official information as soon as reasonably practicable will be deemed a refusal of the request, and may be investigated by the Ombudsman.

Extensions of Time Limit

The time limit may be extended for a reasonable period if:

- (a) 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 Waitemata District Health Board’s operations; or
- (b) consultation is 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.

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The requester must be notified, within the 20 working day period, that an extension of time is necessary. The notification must advise the requester of:

- the date by which a response will be provided
- the reasons for the extension
- their right to complain to an Ombudsman about the extension
- any other necessary information

Urgent requests

If the request is urgent, the requester must provide supporting reasons for the urgency. Those reasons need to be assessed on a case-by-case basis, remembering that the obligation is to answer the request as soon as reasonably practicable.

OIA Requests Are A Priority

OIA requests must be given priority to ensure that the time limits specified in the OIA are met.

3. Summary of Steps in Processing an OIA Request

These steps should be undertaken in the **first three days** of receiving an Official Information request:

- registration of request with Communications Director
- notification to Chair and Ministry of Health by Communications Director or delegate
- allocation to appropriate person to process
- decision made as to whether substantial collation or research is required and whether requester should be charged
- acknowledgement of request in writing within 3 working days
- assessment of whether request falls within Official Information Act
- consultation where necessary
- transfer of request where appropriate
- check if request made to other DHBs
- engagement with requester to clarify scope or content if necessary
- assessment of timing requirements - is an extension of time necessary?
- where appropriate, advise requester of need to extend time

3.1 These steps should be undertaken in the first 12 days:

- collection of all relevant information
- assessment of whether any information may be withheld
- consultation, where appropriate, to clarify scope of request or to assist requester to reformulate request so that charging not required
- confirmation of charge to requester if charging because substantial collation or research required. (See sections 4.10 and 4.13 for more detail).
- drafting of response
- obtain legal review
- finalisation of response
- ensure copy of response forwarded to Chair via Chair's personal assistant
- response forwarded to GM/Group Manager for signing and sending to Communications Director
- response forwarded to Chief Executive Officer, Board Secretary and Ministry of Health by Communications Director or delegate, with response saved to Official Information Act Request folder in G drive

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4. Process

4.1 Register Request

All OIA requests must be sent directly to the Director of Communications where they will be recorded in the OIA register.

Individual services within the DHB may also have their own OIA database. Check and, if required, record the request in that database also.

4.2 Copy Request to Chair and Ministry of Health

Director of Communications (or delegate) to forward copy of request to Chief Executive Officer, Board Secretary and Ministry of Health.

4.3 Allocate To Appropriate Person to Process

Once the request has been registered, an appropriate person(s) to respond to the request should be identified.

4.4 Confirm It Is an OIA Request

When a request is received, it is necessary to assess whether the request is an official information request or a privacy request.

The difference is important as different rules will apply:

- the OIA deals only with requests for official information
- the Privacy Act deals with requests for personal information about any natural person, other than a deceased natural person.

An OIA request can be made in relation to personal information where the request is for information about a decision made about a person.

If the request is a privacy request, it should be dealt with in accordance with the relevant Waitemata DHB Health Information/Privacy policy.

4.5 Consult Where Necessary

If there is uncertainty about the request or the process for responding to it, staff should consult with their manager, the Director of Communications or one of the DHB legal advisors.

4.6 Transfer Of A Request within 10 Working Days of Receipt

Consider whether the request, or part of the request, should be transferred to another agency.

Section 14 of the Act provides that requests (or parts of requests) may be transferred where the information requested is either:

- not held by the DHB but is believed to be held by another Minister, government agency, local authority or organisation; or

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- it is believed by the person dealing with the request to be more closely connected with the functions of another Minister, government agency or local authority or organisation.

This provision, together with the duty of assistance, means the DHB should **always** transfer requests (or parts of requests) where the information is believed to be held by, or more closely connected to the functions of, another government agency.

A letter advising that the request has been transferred must be sent to the requester and the relevant agency.

The decision to transfer a request (or part thereof) should be made, where possible, within **three working days of receipt of the request** and in all cases, within 10 working days.

Where a request is transferred to another agency, the DHB's responsibilities in respect of the request will generally cease.

4.7 Acknowledgement Letter

A brief letter acknowledging receipt of a request must be sent to the requester within 3 working days of receipt of the request.

This is also an opportunity to advise of any decision to transfer the request to another agency

4.8 Check whether Same Request Made to Other DHBs

Sometimes, the nature of the request will suggest that it might be a standard request made to more than one DHB and a national response may be required. It is important in such cases to ensure that answers are coordinated and consistent, where that is appropriate.

Consultation with relevant staff within the DHB or other DHBs or support agencies should be undertaken to see if there are similar requests.

Likewise, if a number of similar or related requests have been received by the DHB, one coordinated response may be given with one staff/ manager taking lead responsibility

4.9 Clarify Scope And Content of The Request

Ensure the scope and content of the request is understood. If the request is unclear or too general/broad it should be clarified with the requester.

The requester may need assistance to determine exactly what official information they are seeking.

Consultation with a requester will often result in an amended or clarified request. An amended or clarified request will be treated as a new request, replacing the original request except:

- Where the amendment or clarification was sought by the agency; and
- The agency did not seek that amendment or clarification within 7 working days of receiving the original request.

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4.10 Charging For Release of Information

The Act allows the DHB to fix a charge for the release of official information. Any charge must be reasonable, having regard to the cost of labour and materials involved in making the information available, the public interest in the information being made available and the means of the requester to pay a charge. Costs incurred in order to provide information requested urgently can also be recovered.

The issues set out below must be considered in order before deciding to charge are:

1. Are there any administrative difficulties in providing information requested e.g. need for substantial collation and research?
2. If substantial collation or research is required, would consulting with the requester assist requester to make the request in a form which would remove the need to refuse the request? If yes, then consultation with the requester is required.
3. If consultation with the requester does not result in the requester making the request in a way which would avoid the need for substantial collation or research, then the request may be refused under section 18(f) of the Act but any information that can reasonably be provided should be provided.
4. If substantial collation or research is **not** required (either because the request as originally made does not require this or because discussions with the requester have resulted in the request being made in a form which does not require substantial collation or research) , collate the information and the consider whether:
 - a) any of the withholding grounds in s9 apply and
 - b) the public interest in making info available is greater than need to protect interest protected by a withholding ground
5. If there is no good reason to refuse the request, is charging reasonable in the circumstances?
6. Is there sufficient public interest in making the information available that the agency should absorb or reduce the cost of providing it? If yes, then do not charge. Note: it may be necessary to ask the requester to comment on the public interest in making the information available. If the requester is asked to comment but refuses to do so, the question of public interest should be considered based on what the DHB knows about the information.
7. If there is insufficient public interest in the information to warrant the DHB making it available without charge or at a reduced charge and there is no other reason warranting waiver or reduction of the charge, only then consider what would be a reasonable charge in the circumstances of the particular request. Calculate how many hours' work is likely to be required and seek the requester's agreement to pay the costs before proceeding to collate the information.

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In deciding whether charging is reasonable in the circumstances, each request must be considered individually on its merits and all the circumstances relevant to the request must be taken into account, including:

- any public interest in the information being made available either free of charge or at a reduced charge.
- the ability of the requester to pay the charge.

When considering the public interest in the information being made available:

- The requester must be advised that the DHB is considering charging for the information and asked to clarify what they see as the public interest.
- If the requester is not willing to clarify what they see as the public interest in the information, then the public interest should be assessed without the requester's input and on the basis of what is known to the DHB about the issue the request appears to relate to.

Payment of all or part of the charges will be required in advance. The amount to be charged will be set individually on its merits.

No charge may be made for time spent deciding whether or not to release information. A decision to charge requires approval from the relevant Group Manager or General Manager and the Chief Financial Officer/Head of Corporate Affairs must be informed when charges are proposed so that he may consider whether, in the circumstances of the particular case, the charges or the requirement to pay in advance should be waived, in whole or in part.

The requester's confirmation that they are willing to pay the charge must be obtained before proceeding to collate the information requested.

Collection of information can only be charged for if the DHB has decided to release information because the legal authority to charge under the OIA is limited to actual and reasonable costs of [making information available](#). If required, refer to the Director Communications or one of the DHB's Legal Advisors for the rates charged.

4.11 Assessment of Request against the Act's Criteria

The OIA's focus is on availability of and access to information, but the need for protection of information in the public interest or for privacy reasons is also recognised.

Staff handling a request should approach all requests on the presumption that information will be released unless one of the grounds for withholding information specified in the OIA applies.

4.12 Withholding Information

Consideration should be given to whether there are grounds to withhold information at an early stage. Information may only be withheld if one of the withholding grounds specified in the OIA is satisfied.

Good reason for withholding information will exist in the circumstances specified in section 9 unless the withholding of that information is outweighed by other considerations which make it desirable in the public interest to make the information available.

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The full text of section 9 is set out in Appendix One. However, the grounds on which Waitemata DHB is most likely to have justification to withhold information are the following:

- Protection of the privacy of natural persons, including that of deceased natural persons; or
- Protection information where the making available of the information—
 - (i) Would disclose a trade secret; or
 - (ii) Would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information; or]
- Protection of information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information—
 - (i) Would be likely to prejudice the supply of similar information, or information from the same source, and it is in the public interest that such information should continue to be supplied; or
 - (ii) Would be likely otherwise to damage the public interest;
- Maintenance of the effective conduct of public affairs through—
 - (i) The free and frank expression of opinions by or between or to Ministers of the Crown [or members of an organisation] or officers and employees of any Department or organisation in the course of their duty; or
 - (ii) The protection of such Ministers, members of organisations, officers, and employees from improper pressure or harassment; or
- Maintenance of legal professional privilege; or
- Enabling a Minister of the Crown or any Department or organisation holding the information to carry out, without prejudice or disadvantage, commercial activities; or
- Enabling a Minister of the Crown or any Department or organisation holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations); or
- Prevention of the disclosure or use of official information for improper gain improper advantage.
- If the document alleged to contain the information does not exist or, despite reasonable efforts to locate it, cannot be found.

The focus should be on the information, not the form in which the information is held. In some cases, part of a document may be withheld and part provided.

Legal advice must be sought whenever it is proposed to withhold information.

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4.13 Refusing Requests - Section 18

Requests may be refused only on the grounds set out in section 18 of the Act. Refusal should always be a last resort.

The most commonly relied on grounds for refusing are:

- The information is or soon will be publicly available
- The information does not exist or cannot be found after reasonable efforts to locate it
- The information is not held by Waitemata DHB
- The information cannot be made available without substantial collation or research.

The information is publicly available - s18(d)

If the information requested is or soon will be publicly available, a request may be refused. The decision to refuse must be reasonable in all the circumstances.

Relevant considerations in deciding whether to refuse a request for information that is available include:

- Whether the information is accessible to the particular requester. For instance, information on the internet will not be accessible to a requester who is known to lack internet access; information held by Archives NZ may not be accessible to someone who cannot travel to inspect it.
- Whether it would be administratively burdensome for the DHB to provide the information. If it would take very little effort to provide the information, we should provide it even though it may be publicly available.

Information will be publicly available if it is available:

- Freely on the internet
- For purchase
- In a public library
- For public inspection e.g. held by Archives NZ

If information is publicly available, we should direct the requester as to where and how the information may be obtained.

Information will soon be publicly available

Relevant considerations in deciding whether to refuse a request for information that is **soon to be publicly** available include:

- Whether, on an objective assessment, the requester requires the information before the planned publication date. If there is a legitimate reason for urgency, it may be unreasonable to require the requester to wait for publication.
- Whether there is any reason why the information cannot be made available sooner. If there is no reason why the information couldn't be made available sooner, it should be released.
- Whether there is still work to be done before publication e.g. quality –assurance, consultation, approval processes. In this case, a delay is more likely to be reasonable as long as it is not unreasonably long.

What amounts to “soon” must be considered on a case-by-case basis. For example, a lengthy and detailed report which has taken more than a year to write and is likely to be published in 3 or 4

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months, could be fall within the “soon” to be publicly available class whereas a short report which is likely to be available in 3 months would not.

To refuse a request on this ground, there should be some certainty about when the information will be available publicly. The requester should be advised of the date of release or given an explanation of why it is difficult to meet the request immediately.

If there is a plan to publish information publicly soon, we should be reasonably certain that the information *will be* published in the near future to justify refusal. Note that the Ombudsman has indicated that as a general rule of thumb, release more than 8 weeks after refusal is unlikely to be considered “soon”.

We should advise the requester of the date or approximate date by which the information will be published if refusing a request on the grounds that the information will soon be publicly available.

The information does not exist or cannot be found after reasonable efforts to locate it

A request can be refused if the information does not exist. This ground can only be relied on when a particular document has been requested. If that document does not exist or cannot be found after a reasonable search, the request can be refused.

The information is not held by Waitemata DHB

If Waitemata DHB does not hold the information, it must consider whether:

- the information is held by another government agency or local authority
- the information requested is connected more closely with the functions of another or government agency or local authority.

If neither is true, the request can be refused.

If, however, Waitemata DHB does believe that the information is held by, or more closely connected to the functions of, another government agency or local authority, the request must be transferred to that agency or local authority.

The information cannot be made available without substantial collation or research – section 18(f)

Research means finding the information and collation means bringing it together. The terms encompass:

- identifying the requested information
- determining whether the requested information is held
- searching for the requested information
- retrieving or extracting the requested information
- assembling or compiling the requested information

Collation and research are considered ‘substantial’ if they would have a significant and unreasonable impact on the DHB’s ability to carry out its other operations.

Multiple requests received simultaneously or in quick succession from the same requester about the same or similar subject matter may be combined for the purposes of considering whether a request may be refused on the grounds of substantial collation.

If substantial collation or research is required to make the information available, a request can be refused under section 18(f). This ground for refusal should only be relied on as a last resort.

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Before refusing a request on this ground, consideration must be given to whether :

- consulting with the requester would assist him/her to make the request in a form which would remove the need to refuse the request on grounds of substantial collation or research.
- charging the requester for the supply of the information would enable the DHB to provide the information. See paragraph 4.10 for information about charging.
- extending the timeframe for responding to the request would enable the DHB to provide the information.

Consideration must also be given to whether there are other ways of providing the information requested which would not be so burdensome before a request is refused. The requester should be consulted with to see whether the information could be provided in ways which would reduce the burden for the DHB.

Substantial collation can be relied on to refuse a request if:

- searching for the information, reviewing and assembling it for release would have a significant and unreasonable impact on the DHB's ability to carry on its other operations.
- Consultations with the requester have not resulted in the requester amending the request in a way which removes the need for significant collation or research
- Charging would not make it possible for the DHB to provide the information
- Extending the timeframe for responding would not enable the DHB to provide the information.

Note: charging will not assist if:

- The work needs to be done by a specific person with expert knowledge whose diversion from core business would have a substantial and unreasonable impact on the agency's other operations.
- The requester is not willing or able to pay a charge, or a charge of the magnitude that is likely to be required. The requester should always be asked about their willingness or ability to pay the charge in order to receive the information.

The following factors should be considered:

How much?	<p>How much information has been requested? How much information must be gone through to find what has been requested?</p> <p>NB: to answer these questions, you will need to scope the request properly so that you are clear about what information has been requested.</p>
How long?	<p>How long will it take to find the information and collect it together?</p> <p>You may need to carry out a sample exercise to determine how long it will take to collect the information. As a minimum, you should estimate how long it will take.</p>
Who will collect the	What resources are available to collect the information?

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information?	Do particular people need to collect the information because of its complexity or because of their familiarity with the information?
What's the impact?	<p>How would diversion of resources to collect the information affect the DHB's ability to carry out its other activities?</p> <p>Consider in conjunction with Communications:</p> <ul style="list-style-type: none"> ▪ the resources available to process OIA requests ▪ the number of other OIA requests the DHB has to respond to ▪ the number of people capable of collecting the information ▪ the other responsibilities these people hold.
Has the requester been asked whether they are willing to amend their request in a way which avoids the need for substantial collation and research?	<p>Advise the requester that substantial collation and research will be required to respond to their request and it may be necessary to charge.</p> <p>Indicate what information could be provided with less effort and without a charge.</p> <p>Give the requester the opportunity to amend their request in a way which avoids the need for substantial collation and research.</p> <p>Examples of amendments include requesting a subset of the information, reducing the number of years for which information is requested, specifying information held by particular people or services, specifying the particular type of information.</p>

Time spent:

- deciding whether to withhold or release the information must not be considered as time spent collecting information
- drafting covering letters to go out with information
- obtaining internal sign off

cannot be taken into account when considering whether responding to a request requires substantial research or collation.

If it is thought that substantial research or collation may be required to respond to a request, consideration must be given to whether extending the time for responding or charging for the information would enable the DHB to provide the information.

Possible solutions may include:

- releasing a subset or sample of the information requested
- releasing other information which is readily accessible
- releasing the information in an alternative form
- releasing the information on conditions e.g. confidentiality
- helping the requester to refine the request by limiting the search terms, the period covered by the request, the type of document or the author
- providing information about what information the DHB holds and in what format.

For more information, refer to the Ombudsman's Guideline on Substantial Collation or Research at www.ombudsman.parliament.nz

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4.14 Draft response

A response to the request should be drafted. The response must:

- answer the questions asked or provides the information requested
- note any information which has been withheld and the grounds on which it has been held

4.15 Prepare OIA Approval Sheet

The OIA Checklist which appears at Appendix Two must be prepared.

4.16 General/Group Manager Approval of Draft response

The draft response and OIA Approval Sheet must be provided to General/Group Manager's for approval.

The General/Group Manager's sign off on the OIA Approval Sheet of draft response must be obtained.

4.17 Legal Approval of Draft Response

The draft response must be approved by a DHB legal advisor.

The following must be forwarded to Legal:

- draft response
- OIA Approval Sheet
- copies of all documents to be released with any information to be withheld tagged
- an explanation of the reasons for withholding information
- Obtain Legal Advisor's sign off on OIA Approval Sheet of draft response

4.18 Final response

The response should then be finalised and:

Copy to Chair

- forwarded with OIA Approval Sheet to the CEO **at least five working days** before expiry of time limit for response.

CEO sign off

Once the CEO has signed the checklist a scanned copy must be:

- saved in the Official Information Act Requests folder in G drive

The person responsible for the response must also:

- register the response on service database if required
- keep a hard copy of the request, the response, the OIA Approval Sheet and copies of information released and withheld.

4.19 Forward OIA request and documents to the Requester

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5. Ombudsmen

Review by Ombudsmen

Note that requesters have the right to complain to the Ombudsmen about:

- any refusal to release official information (which may also arise where a response is perceived by the requester as incomplete)
- the fact, and amount, of any charge for releasing official information
- a decision to extend the time available for responding to a request, including the length of the extension
- a failure to comply with time limits, which is deemed to be a refusal to release
- a decision to impose conditions on the use, communication, or publication of information made available under the Act
- the form in which information has been released to the requester i.e. if we have not provided the information in the manner requested (bearing in mind that information may be made available in electronic form, or by electronic means, such as email).
- a refusal to release official information because the information cannot be found or is not held.

The Ombudsman may notify the Chief Archivist of refusals on certain administrative grounds, such as:

- the information does not exist or cannot be found;
- the information cannot be made available without substantial collation or research;
- the information is not held.

The DHB is obliged to advise requesters of their right to complain to the Ombudsmen if not satisfied with the DHB's response.

6. Associated Documents

Legislation	Official Information Act 1982 Privacy Act 1993 Health Information Privacy Code
Policy	Health Information/ Privacy -3 rd Party Requests Official Information Act- OIA requests Planning and Funding
Guidelines	Ombudsmen Guide- How the Official Information Legislation Works

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7. Appendix One - Other reasons for withholding official information

Other reasons for withholding official information

- (1) Where this section applies, good reason for withholding official information exists, for the purpose of section 5 of this Act, unless, in the circumstances of the particular case, the withholding of that information is outweighed by other considerations which render it desirable, in the public interest, to make that information available.
- (2) Subject to sections 6, 7, 10, and 18 of this Act, this section applies if, and only if, the withholding of the information is necessary to—
 - (a) Protect the privacy of natural persons, including that of deceased natural persons; or
 - (b) Protect information where the making available of the information -
 - (i) Would disclose a trade secret; or
 - (ii) Would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information; or
 - (ba) Protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information—
 - (i) Would be likely to prejudice the supply of similar information, or information from the same source, and it is in the public interest that such information should continue to be supplied; or
 - (ii) Would be likely otherwise to damage the public interest; or
 - (c) Avoid prejudice to measures protecting the health or safety of members of the public; or
 - (d) Avoid prejudice to the substantial economic interests of New Zealand; or
 - (e) Avoid prejudice to measures that prevent or mitigate material loss to members of the public; or
 - (f) Maintain the constitutional conventions for the time being which protect -
 - (i) The confidentiality of communications by or with the Sovereign or her representative;
 - (ii) Collective and individual ministerial responsibility;
 - (iii) The political neutrality of officials;
 - (iv) The confidentiality of advice tendered by Ministers of the Crown and officials; or
 - (g) Maintain the effective conduct of public affairs through -
 - (i) The free and frank expression of opinions by or between or to Ministers of the Crown or members of an organisation or officers and employees of any Department or organisation in the course of their duty; or
 - (ii) The protection of such Ministers, members of organisations, officers, and employees from improper pressure or harassment; or

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- (h) Maintain legal professional privilege; or
- (i) Enable a Minister of the Crown or any Department or organisation holding the information to carry out, without prejudice or disadvantage, commercial activities; or
- (j) Enable a Minister of the Crown or any Department or organisation holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations); or
- (k) Prevent the disclosure or use of official information for improper gain or improper advantage.

8. Appendix Two - OIA Checklist

Official Information Act

Check list	
File No:	18/XXX
Date OIA received:	XX XXXX 2018
Date due to communications:	XX XXXX 2018
Date due to requester:	XX XXXX 2018
Subject reference:	Insert brief details of request
Requesters name and organisation:	
Manager sign off/approval of content:	
Legal sign off/approval:	A. Mark
Any matters of risk to bring to Dale & Judy's attention Yes/No	
If yes explain issue:	

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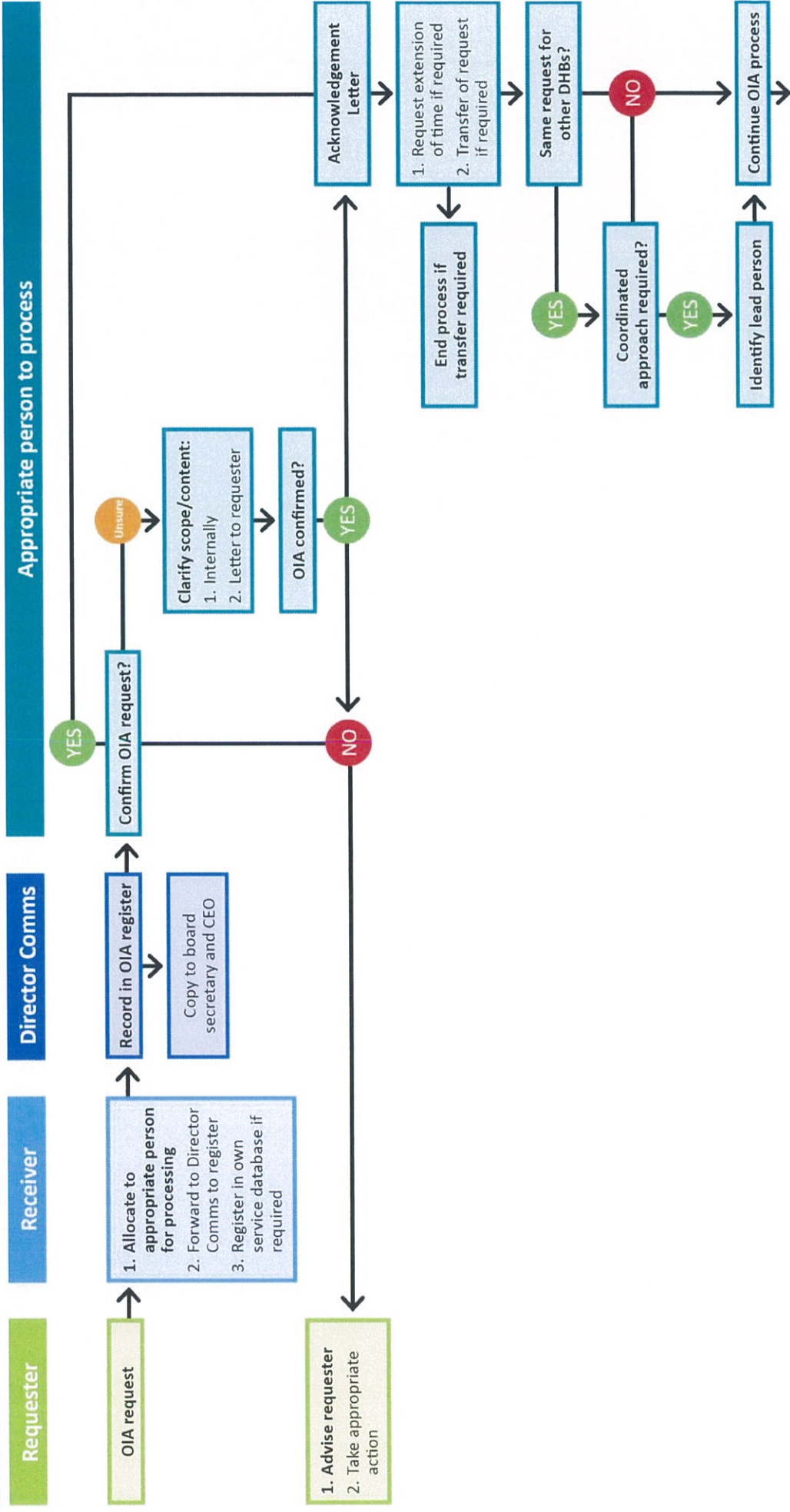
Communications review:	M. Rogers
OIA reviewed:	D. Bramley

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9. Appendix Three - OIA Process Map: First 3 working days

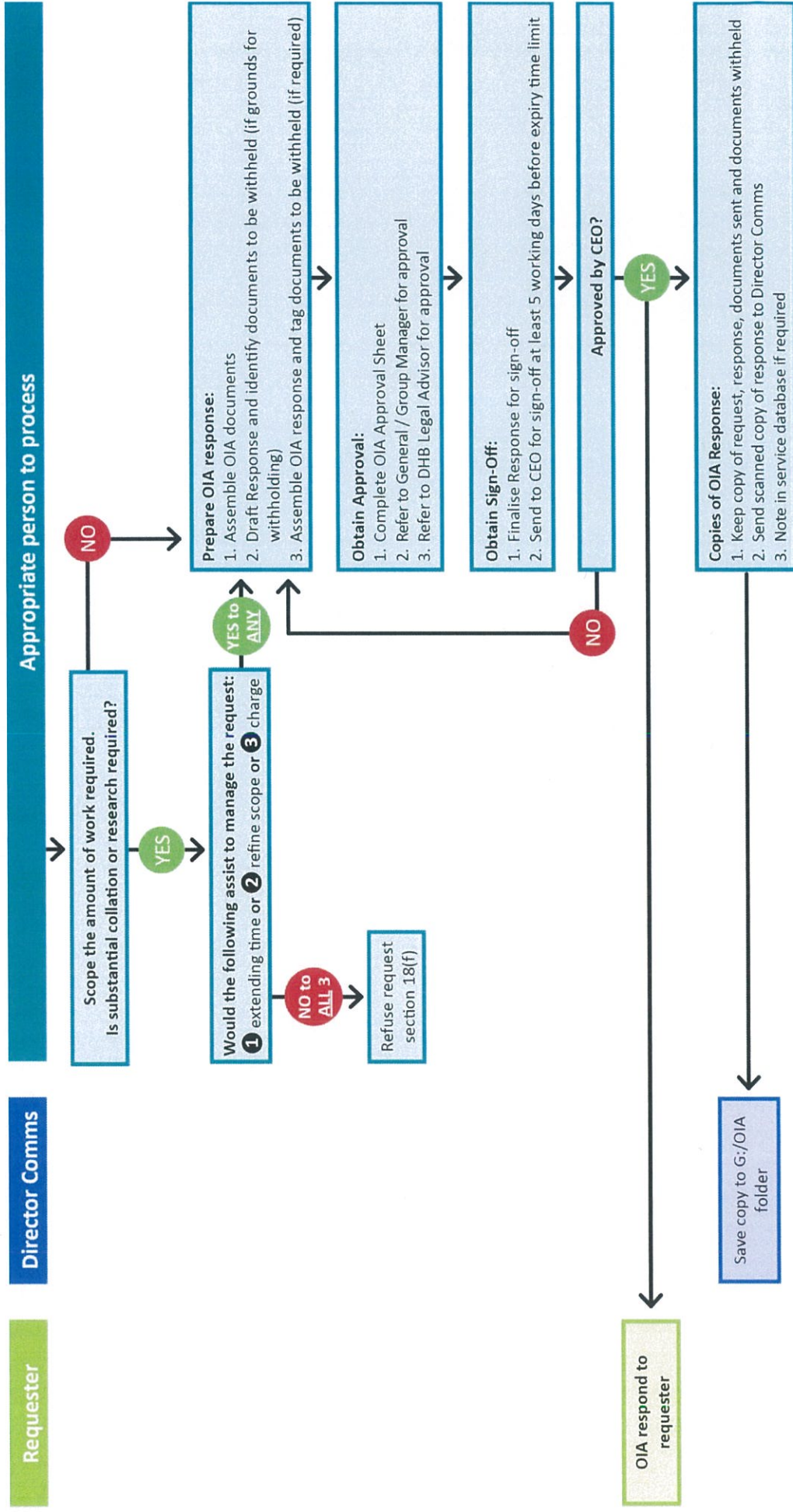


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9. Appendix Three continued - OIA Process Map: Next 12 working days



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