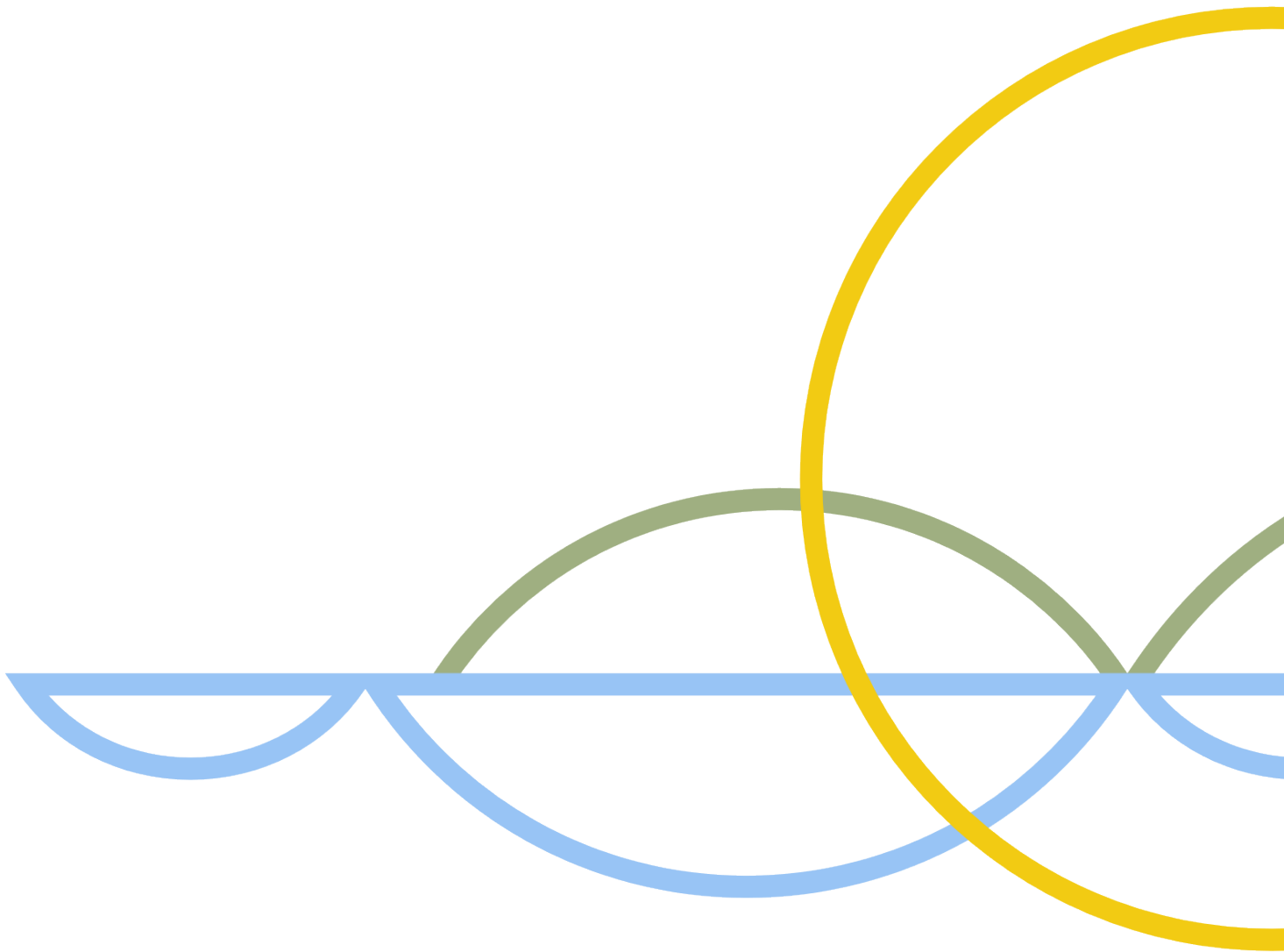


# Release and Management of Official Information Policy



## Document control

| Version | Version date | Changes                                                                                                                                                                 | SME           | Approver              |
|---------|--------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|-----------------------|
| 2       | 01/07/2026   | Existing Wellington Water Policy to be rebranded. To be adopted in current form by CE prior to 1 July then reviewed and adopted formally by the Board by November 2026. | Erin Ganley   | Michael Brewster, CEO |
| 1       | 29/08/2025   | Implementation                                                                                                                                                          | Greer Golding | Greer Golding         |

## Review information

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| Owner              | Erin Ganley, Chief Risk and Compliance Officer |

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# 1 Introduction

Our commitment to availability, transparency, efficiency and accountability is at the heart of our LGOIMA Policy. We strive to foster a culture of openness, ensuring that our community has access to information and can participate meaningfully in the democratic process. By upholding these values, we aim to build trust and strengthen our relationship with the public.

As a Council Controlled Organisation (CCO), Tiaki Wai is subject to the Local Government Official Information and Meetings Act 1987 (LGOIMA) and must operate in a manner that promotes openness, transparency and accountability, in line with the Local Government Act 2002. This policy reflects those obligations.

# 2 Scope

This policy applies to all requests for official information from members of the public, businesses, and organisations seeking information held by Tiaki Wai.

It does not apply to requests by individuals (or their agents) in relation to their personal information held by Tiaki Wai. Requests for an individual's own personal information will be managed under the Privacy Act 2020 in accordance with the Privacy Policy. It applies to all Tiaki Wai staff, contractors and consultants acting on our behalf.

Policy provides a framework to ensure all Tiaki Wai staff, contractors and consultants have a clear and consistent understanding of the approach to progressively increase access to official information in a timely manner, to facilitate public participation in decision-making and promote accountability.

Elected Member Query requests are managed similarly to this policy; however, they are not within the scope of LGOIMA Act.

# 3 Definitions

| Word or Phrase       | Definition                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|----------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Official information | <ul style="list-style-type: none"> <li>Official information means any information held by an agency subject to the LGOIMA.</li> <li>It is not limited to documentary material, and includes material held in any format as such:</li> <li>written documents, reports, memoranda, letters, notes, emails, and draft documents</li> <li>non-written documentary information, such as material stored on or generated by computers, including databases, video, or tape recordings</li> <li>information, which is known to an agency, but which has</li> </ul> |

| Word or Phrase          | Definition                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|-------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                         | <p>not yet been recorded in writing or otherwise (including knowledge of a particular matter held by an officer, employee, or member of an agency in their official capacity)</p> <ul style="list-style-type: none"> <li>documents and manual which set out the policies, principles, rules, or guidelines for decision making by an agency</li> <li>the reasons for any decisions that have been made about a person.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                        |
| Information “held”      | <p>For the LGOIMA to apply, the information must be held by Tiaki Wai, except for providing a response to a request for statement of reasons, there is no obligation for Tiaki Wai to form an opinion or create information to answer a request.</p> <p>If a request is made for information that is not held by Tiaki Wai, then it should be considered whether to transfer the request to another agency subject to the OIA or LGOIMA or whether to refuse the request under sections 17(e) or (g) of the LGOIMA (because the requested document does not exist, or the information is not held).</p> <p>Information held by staff, contractors or consultants in their personal capacity is not official information. However, such information may become official information if it is subsequently used for official purposes.</p> |
| Contractors/Consultants | Information held by a contractor/consultant holds in that capacity is deemed to be held by the agency.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |

## 4 Guiding Principles

### 4.1 Principle of Availability

Under section 5 of the LGOIMA, the fundamental principle is that information shall be made available unless there is good reason for withholding it.

This presumption in favour of release underpins all decision-making on official information requests.

### 4.2 Transparency

Facilitate public access to official information unless there is a legal reason to withhold it.

### 4.3 Efficiency

Handle requests promptly and in compliance with statutory timeframes.

## 4.4 Accountability

Ensure decision-making processes are open and fair.

## 4.5 Proactive Release

Tiaki Wai will routinely release information of public interest.

# 5 Roles and Responsibilities

## 5.1 Board of Directors

Provide oversight and assurance that the organisation's approach to official Information Management aligns with legislative obligations and good governance practices. The Board receives reporting on significant LGOIMA matters and compliance risks.

## 5.2 Chief Executive / ELT

Provide leadership and accountability; approve policy and proactive releases.

## 5.3 LGOIMA Team

Oversee process, assist staff, manage the proactive release register, and liaise with legal and communications teams.

## 5.4 All Staff

Recognise LGOIMA requests, forward them promptly, and assist with searches or clarifications.

# 6 Requests for Official Information

Under this Policy, official information is defined as all information held by Tiaki Wai. This includes but is not limited to the following:

1. Written documents, reports, memoranda, letters, notes, emails, and draft documents.
2. Non-written documentary information, such as material stored on or generated by computers, including databases, video or tape recordings.
3. Information which is known but which has not yet been recorded in writing or otherwise (including knowledge of a particular matter held by staff, contractors and consultants) documents and manuals set out the policies, guidelines for decision making, and the recording of reasons for any decisions made.
4. This applies to information sent, received, or created by staff, contractors, and consultants, irrespective of whether the information is in a personal email account or on a personal device, etc.

## 7 Objectives

The objects of this policy are to:

1. Ensure that information is made available unless there is good reason under LGOIMA for withholding or refusing it and that reason is not outweighed by the public interest in its release.
2. Provide clear guidance under LGOIMA and the processes available to progressively increase access to official information in a timely manner; make decision-making processes about official information requests accessible.
3. Facilitate participation in decision-making by upholding LGOIMA as a mechanism for access to information; and promote the increased accountability of Tiaki Wai.

## 8 Delegated Authority

The Tiaki Wai Internal Delegations from Chief Executive to Employees sets out the roles and delegation relating to LGOIMA matters.

## 9 Processing Requests

A request for official information is subject to LGOIMA and this Policy.

A request for official information may be made verbally or in writing by letter or electronically. A requester is to be asked to put their verbal request in writing where written clarification is reasonably necessary. To ensure a request received verbally is understood, the request should be recorded in writing, clarified with the requestor and acted on this basis.

Tiaki Wai is committed to ensuring equitable access to official information. Where requesters face barriers – such as language, disability, or digital inclusion – reasonable support will be offered to facilitate access to information.

Requests can only be made for information already held by Tiaki Wai. Except for providing a response to a request for a statement of reasons (e.g. when provisions or restrictions do not apply when a person requests an explanation for a decision that affects them personally), there is no obligation to form an opinion or create information to respond to a request.

If Tiaki Wai does not have the information the requestor asked for, Tiaki Wai should either transfer the request to another agency or refuse the request because the information does not exist or is not held by Tiaki Wai.

Where a request relates to information shared with or governed by shareholder councils or partner agencies, Tiaki Wai will liaise with the appropriate entities to determine the best response pathway, while respecting each agency's responsibilities under LGOIMA.

The requester must clearly specify the official information they need to Tiaki Wai can identify it with. The request should be reviewed carefully to understand exactly what information is being

asked for, including the scope and the relevant time-period. If the request is too broad or unclear, the requestor is to be contacted as soon as possible to clarify their request.

Every request for official information must be dealt with on its own merit based on the requirements set out in the LGOIMA.

Tiaki Wai must keep records of how decisions are made about requests. This includes defining the scope of the request, researching, and collating the information requested, and consultations with other staff or third parties.

Tiaki Wai defines the reasons for withholding or refusing information and the specific legislation should be referred to if it is considered there are grounds to withhold information that has been requested.

## 10 Timeframe for a response to standard requests

Tiaki Wai aims to make a decision and communicate it to the requester 'as soon as reasonably practicable' and no later than twenty working days after the request has been received.

We aim to provide a final response within twenty working days but will advise the requester if:

- We cannot meet the deadline.
- We need more information (this should be done within seven working days).
- We need to refine the scope of their request (this should be done within seven working days).
- The information is held by another government or local government organisation, and we need to transfer their request (this must be done within 10 working days).

## 11 Refusing or withholding requests for information

### 11.1 Examples of refusing or withholding requests for information

**Under the LGOIMA, requests for information held must be granted unless:**

- An administrative reason, as set out in the LGOIMA, applies.
- A conclusive reason for withholding the information applies.
- There is a good reason under LGOIMA for withholding the information and the reasons for withholding the information are not outweighed by public interest.

**Examples of refusing to give information (s17 LGOIMA) include:**

- Making the information available would be contrary to the law.

- The information is, or will soon be, publicly available.
- The document does not exist or cannot be found, despite reasonable efforts to find it.
- The information cannot be made available without substantial collation or research.
- The request is frivolous or vexatious.

**Under s6 LGOIMA a conclusive reason to withhold the information includes:**

- Prejudice to the maintenance of the law e.g., where releasing information could negatively impact law enforcement activities.

**Under s7 LGOIMA good reasons for withholding information include:**

- Member of the public – to protect privacy or health and safety or prevent or mitigate material loss.
- Commercial operations – to protect trade secrets; or to protect against prejudice of commercial positions of those who supplied the information or who is the subject of the information; or to prevent the use of official information for improper gain or advantage; or to enable the local authority holding the information to carry on negotiations, without prejudice or disadvantage.
- Tiaki Wai operations – to maintain effective conduct of public affairs through free and frank expression of opinions; or protect officers from improper pressure.
- Confidential information - protection of information which is subject to an obligation of confidence or prejudices the supply of similar information or information from the same source; or damages public interest; or maintains legal privilege; or where it is about to be released publicly.

**Under the LGOIMA administrative reasons for refusing information include:**

- The information requested will soon be publicly available.
- The information requested is not held.
- The information requested cannot be made without substantial collation or research.

## 11.2 Frivolous or vexatious or trivial requests

On occasion, a request may be assessed as being vexatious, frivolous or trivial and deemed appropriate to refuse the requests under section 17(h) of the LGOIMA.

Requests may be refused under section 17(h) of the LGOIMA if they are clearly frivolous, vexatious, or trivial. This ground is used sparingly and only where the request is an abuse of the right to access official information.

### 11.2.1 Process

#### Initial Assessment

Staff receiving the request must assess whether it meets the threshold. Key indicators include:

- No serious purpose or value.
- Harassing or abusive intent.
- Repetitive or burdensome nature.

- Unreasonable impact on resources.
- Use of offensive language.

### **Escalation**

Concerns must be escalated to the [Manager]. A short record of relevant history and rationale should be documented.

### **Decision**

Only the Chief Executive (or delegate) may approve a refusal under s17(h). The decision must be based on clear evidence and in line with Ombudsman guidance.

### **Response**

The requester must be:

- Informed of the refusal under s17(h).
- Provided with reasons; and
- Advised of their right to complain to the Ombudsman.

### **Record keeping**

All refusals under s17(h) must be logged and may be reviewed for consistency and fairness.

## 12 Redaction

If a response requires material to be redacted, then all information that is redacted must adhere to the principles of LGOIMA. The reason or relevant section is to be included in the response to the requester.

## 13 Redaction for staff, contractor or consultant names

Requests for information may include the names of staff, contractors, or consultants. Decisions on releasing or withholding these names must be made on a case-by-case basis, applying the three-step test set out below

### **13.1 Three Step Test**

- **Relevance** – Is the name relevant to understanding the information, the decision-making process, or holding the agency accountable?
- **Privacy** – Would release involve privacy interest for the individual under section 7(2)(a) of LGOIMA?
- **Public Interest Override** – Does the public interest in transparency and accountability outweigh the privacy interest?

## 13.2 Factors to consider in applying the test

- Seniority and accountability – Senior staff are more likely to be named due to their role in decision making and higher accountability to the public.
- Role in the matter – Was the person’s involvement material or incidental?
- Public-facing duties – Staff with public engagement responsibilities are more likely to be named.
- Safety and harassment risk – Names may be withheld where there is reasonable evidence that release could expose the person to harassment, intimidation, or threats.
- Context - Names on public reports or formal communications are more likely to be released than names in incidental email chains or purely operational documents.

## 13.3 General guidance

- The names of the Chief Executive, Executive Leadership Team, and senior managers responsible for key decisions will normally be released.
- Names of junior staff or those in purely operational roles will generally be withheld unless there is a strong public interest in release.
- Contractors and consultants are subject to the same assessment as staff, based on their role, accountability, and the public interest.

## 13.4 Additional considerations

- Names vs. roles/titles – If a name is withheld, consider releasing the person’s role or title to maintain transparency about the level of responsibility.
- Past publication – If the name is already in the public domain, the privacy interest is reduced, and withholding may be harder to justify.
- Consistency – Strive for consistency in decisions about similar roles.
- Time sensitivity – Consider whether the timing affects the privacy or public interest balance (e.g., ongoing vs. completed matters)
- Consultation – Where practicable and appropriate, consult the individual concerned, particularly if withholding is based on safety or harassment concerns.
- Documentation – Always record the reasons for releasing or withholding names, including the application of the public interest test.

Where a name is withheld, the relevant withholding ground(s) must be cited (e.g., s7(2)(a) privacy) and the public interest test under section 7(1) must be documented in the decision record.

# 14 Charging

We follow the Ombudsman’s charging guide.

## 14.1 When charges may apply:

- Significant staff time required (over two hours)
- Multiple or repeated large requests from the same requester, where processing them imposes a significant cumulative burden and they could reasonably be consolidated. This will be assessed on a case-by-case basis, considering the nature of the information sought, public interest considerations, and Ombudsman guidance.

## 14.2 Requests requiring extensive collation, research, or reproduction.

## 14.3 Charge structure

- The first hour is free.
- Thereafter \$38 per half-hour of staff time.
- Printing/photocopying: \$0.20 per page after 20 pages.
- Where fulfilling a request requires the use of specialist experts who are not salaried employees of Tiaki Wai, their time will be charged at the actual cost incurred.

## 14.4 Important principles

- Charges only apply once a decision to release has been made.
- No charges for decision-making or redaction time.
- Public interest or requester hardship may lead to waiver.
- If a charge is to be applied then the requester is to be advised of the cost (within five working days) before collecting the information so that the requester can decide whether to proceed, withdraw or refine their request.
- Some or all the cost may be requested to be paid in advance.
- The charges may be waived, and this exercise of discretion is described in the Delegations Register.

# 15 Complaints and Appeals

If a requester is dissatisfied with a response to their official information request, they have the right to seek further review.

## 15.1 Internal Review

- The requester may request an internal review of the decision.
- Reviews are conducted by a senior staff member not involved in the original decision (typically LGOIMA Lead).
- The review should be completed within ten (10) working days where practical, and the requester informed of the outcome in writing.

## 15.2 External Review – Ombudsman

- If the requester remains unsatisfied, they may escalate their concern to the Office of the Ombudsman.
- Tiaki Wai will fully cooperate with any Ombudsman investigation.
- Contact details for the Ombudsman will be provided in the response letter where a request is refused in full or in part.

Tiaki Wai is committed to the proactive release of information to support transparency and accountability.

## 15.3 Principles

We will proactively release information that:

- Is of significant public interest.
- Enhances understanding of our operations, performance, and decisions.
- Supports accountability and transparency.
- Responses to high-profile or frequently requested LGOIMA enquiries.

Tiaki Wai will maintain a public-facing proactive release register to ensure transparency of frequently requested or high-interest information. This register will be updated regularly and made available on our website.