



Governance support resources

Responding to requests under the Official Information Act 1982

School boards are crown entities subject to the [Official Information Act 1982](#) (OIA). Any citizen or permanent resident of New Zealand, or any person who is in New Zealand can request information, even if that person is not a member of your school community. Companies that are incorporated here or that have an office here can also request information.

All requests for information should be referred to the board, as the legal entity of the school, in the first instance.

The board should immediately notify its insurance agent and contact NZSTA Advisory and Support Centre.

Requests do not have to be made in writing. While the board can ask the reason for the request, the person making the request does not have to say.

When a request is received

The board has an obligation to:

- Acknowledge receipt of the request and advise the timeline within which the board will respond
- Provide reasonable assistance to the requester. For example, if the request is ambiguous the requester can be asked to clarify it
- Release information without undue delay, but in every case provide a response within 20 working days
- Once the requested information is ready to go – send it without further delay
- Provide the information in the form requested unless to do so would impair efficient administration or would defeat the purpose for which any of the information is being withheld (unless there is a stronger public interest in releasing it in the requested format). The board's decision letter must explain to the requester it is providing the information in a different form

The board can transfer the request to another agency if it believes that the information is held by, or is more closely connected with, the functions of that agency. The transfer should be made within 10 working days of receiving the request and the board should inform the requester.

Some of the information being requested might relate to the requester. That needs to be considered under the [Privacy Act 2020](#)

Withholding information and refusing requests

The starting point in making a decision on a request is that the board must provide all the information that has been requested unless there is a 'conclusive' or 'other' good reason to withhold it or an 'administrative' reason to refuse the request.

'Conclusive' reasons likely to be relevant to boards / schools are where release of the information would be likely to:

- Prejudice the maintenance of the law
- Endanger the safety of an individual

'Other' good reasons commonly used include that withholding information is necessary to:

- Protect the privacy of other individuals
- Protect information that if released would unreasonably prejudice the commercial position of the supplier/subject of the information

If the board is using one of the 'other' good reasons above it needs to weigh up whether the public interest in the release of the information is greater than the interest that it is protecting.

'Administrative' reasons for refusing requests include that:

- The information is or soon will be publicly available
- The request is frivolous or vexatious, or the information requested is trivial (this has a high threshold)
- The document alleged to contain the information does not exist or cannot be found
- The information cannot be made available without substantial collation and research. If this reason applies you will need to look at whether charging or extending the time limit would solve the issue

The board must consult with the requester to see if the request can be reformulated if it is refusing a request on the grounds contained in the last two bullet points above.

The list above is not exhaustive.

If the board thinks it may have a reason not to disclose information, contact NZSTA Governance Advisory and Support Centre or the Office of the Ombudsman for further advice.

If the board can provide part of what has been requested but needs to withhold some information, it should provide any documents with redactions (deletions) as necessary. Let the requester know why you have done this.

In the board's decision letter, it is best practice to let the requester know of their right to complain to the Office of the Ombudsman.

Things for the board to note:

Information that is in the public domain does not need to be requested under the Official Information Act and must be made available to members of the public on request. – for example, the minutes of open board meetings.

School boards should be aware that the minutes of their public excluded business (PEB), sometimes known as "in committee", meetings can be requested under the OIA. Any board that receives such a request needs to apply the processes and thinking outlined above. Again, the board would be well advised to contact the NZSTA Advisory and support centre.

There is a [calculator](#) and templates for responding on the [Office of the Ombudsman's](#) website for assistance in dealing with these.

Boards may establish delegated committees with clear terms of reference to deal with information requests. Likewise, a board may have made delegations to its principal to be able to respond on behalf of the board in certain circumstances. This is often the case in matters regarding student achievement information.

More information:

[Office of the Ombudsman](#) 0800 802 602

Guides : [The OIA and school boards of trustees](#)

[Resources for agencies](#)

[Privacy Commissioner](#) 0800 803 909

NZSTA [Governance support resource](#) Responding to information requests



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For further advice please contact the *Advisory and Support Centre* on

0800 782 435, option 1 or

govadvice@nzsta.org.nz