

## Official Information Policy

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<b>Contact Officer</b>	University Registrar – Vice-Chancellor's Office

### Introduction

The [Official Information Act 1982 \(New Zealand Legislation website\)](#) provides that official information held by a body such as the University should be made available upon request, unless good reason exists for withholding such information.

The University of Canterbury is a body corporate constituted under the [University of Canterbury Act 1961 \(New Zealand Legislation website\)](#) and the [Education Act 1989 \(New Zealand Legislation website\)](#). The University is a Tertiary Education Institution which is deemed a Crown Entity.

### Definitions

**Balancing exercise** – determining if the benefit of withholding information outweighs the benefit of releasing information to the public.

**Evaluative material** – “evaluative or opinion material compiled solely—

- (a) for the purpose of determining the suitability, eligibility, or qualifications of the person to whom the material relates—
  - (i) for employment or for appointment to office; or
  - (ii) for promotion in employment or office or for continuation in employment or office; or
  - (iii) for removal from employment or office; or
  - (iv) for the awarding of contracts, awards, scholarships, honours, or other benefits; or
- (b) for the purpose of determining whether any contract, award, scholarship, honour, or benefit should be continued, modified, or cancelled; or

- (c) for the purpose of deciding whether to insure any person or property or to continue or renew the insurance of any person or property.”(s23(2B) [Official Information Act 1982 \(New Zealand Legislation website\)](#); see also s29(3) [Privacy Act 1993 \(New Zealand Legislation website\)](#))

**Official Information** – any information held by the University by way of public record, including:

- minutes and records of public meetings of the Council;
- statistical information; and
- general files concerning the conduct of the University’s affairs.

**Personal Information** – any official information held about an identifiable person that is of a personal nature, such as name, date of birth etc. that could be used to identify that person. See full list of the types of information collected at section 3 of the University’s [Privacy Policy \(PDF, 568KB\)](#).

**Redact** – selecting from or adapting (as by obscuring or removing sensitive information) a document prior to publication or release; to conceal from unauthorized view or censor information but not to destroy.

## Policy Statement

The [Official Information Act 1982 \(New Zealand Legislation website\)](#) and the [Local Government Official Information and Meetings Act 1987 \(New Zealand Legislation website\)](#) (“LGOIMA”) outline the basis for requesting access to official information held by the University. Under these Acts requests can be made to:

- access any specified official information;
- access internal rules affecting decisions (see ‘Right of Access to Internal Rules Affecting Decisions below);
- access a written statement containing reasons behind a decision affecting an individual by that individual (see ‘Right of Access to a Written Statement Containing Reasons behind a Decision below);
- access agendas, reports and minutes of meetings of public bodies, including those where the public was excluded (LGOIMA).

*Note:* Any member of the public may inspect any agenda and associated reports (except any meeting or part thereof to which the public is excluded), at least two working days prior to a meeting of the Council and the minutes of any meeting, at the Registrar’s Office, University of Canterbury, University Drive, Christchurch.

## Procedures

### 1. Request for Official Information

Requests for University-held official information should be addressed to the University Registrar, University of Canterbury, Christchurch.

Requests should be made in writing.

If a request is refused, the applicant will be told the reason for the refusal and the process to be followed in regard to lodging an appeal with the Ombudsman.

A request must be answered as soon as reasonably practicable and no later than 20 working days after the request has been received (refer to section 15(1) of the [Official Information Act 1982 \(OIA\) \(New Zealand Legislation website\)](#)). A requestor may ask that the request be treated as urgent, however reasons should be provided for the requested urgency. The University will endeavour to meet any such request but may be constrained due to operational requirements and demands.

The time limit of 20 working days for answering OIA requests may be extended in some cases, especially if the OIA request is complex; involves access to numerous departments' information; or if the volume of information is very large. If an extension is needed, the applicant will be told of the extension and the reasons for it.

Where information is readily available and easily accessible, requests will be answered free of charge. There is a provision within the OIA for the University to discuss with a person requesting information, a charge in those situations where considerable research must be undertaken before the information can be provided. Determination of costs associated with OIA requests are guided by the Ministry of Justice's [Charging Guidelines for Official Information Act 1982 Requests \(Ministry of Justice website\)](#). There is no charge for providing personal information.

Note: See also the University's [Privacy Policy \(PDF, 568KB\)](#).

The University will endeavour to provide the information in the form requested (unless to do so would impair efficient administration; be contrary to a legal duty; or prejudice the interests protected by withholding grounds). For example, the University could:

- provide reasonable opportunity to inspect the documentation;
- provide a copy of the documentation;
- make arrangements for the person requesting information to hear or view any relevant sounds or images;
- provide a transcript, excerpt, summary or oral information with respect to words recorded or contained in a document; or
- provide information with redacted information as is necessary to preserve the interests protected by the grounds for withholding information as referenced below).

## 2. Denial of an Official Information Request

A request to access Official Information may be refused due to, but not limited to, the following reasons:

- good reason for withholding the information (refer to the information below);
- the University may choose to neither confirm nor deny the existence or non-existence of the information requested, to protect an interest identified as a conclusive reason to withhold information or, to protect trade secrets or the commercial position of the person who supplied the information or is the subject of the information;
- if making the information available would be contrary to the provisions of a specified enactment, or constitute contempt of Court, or the House of Representatives;
- the information requested is, or will soon be, publicly available;
- the document alleged to contain the information requested does not exist or cannot be found;
- the information requested cannot be made available without substantial collation or research;
- the information requested is not held and the person dealing with the request has no grounds for believing that the information is either held or more closely connected with the functions of another department, Minister of the Crown, organisation or Local Authority; and/or
- the request is frivolous or vexatious, or the information requested is trivial.

## 3. Withholding information

The OIA lists “Conclusive, Special and Other Reasons” as valid reasons for the purposes of withholding official information. The University identifies the most likely grounds that access to official information may be withheld below.

### 3.1 Conclusive reasons (no balancing exercise with public interest)

- Prejudice to security, defence or international relations of NZ.
- Prejudice to the maintenance of the law.
- Endangerment of a person’s safety.

### 3.2 Other reasons (balancing exercise: unless public interest outweighs the grounds for withholding information)

- Protect the privacy of natural persons (not incorporated) – consider Information Privacy Principle II in the [Privacy Act 1993 \(New Zealand Legislation website\)](#) (refer to the University’s [Privacy Policy \(PDF, 568KB\)](#)).
- Protect trade secrets or the commercial position of the person who supplied or who is the subject of the information.

- Protect confidential information which, if released, would prejudice the supply of such similar information or damage the public interest.
- Protect the health or safety of members of the public.
- Protect the substantial economic interests of NZ.
- Prevent or mitigate material loss to members of the public.
- Maintain constitutional conventions and the effective conduct of public affairs.
- Maintain legal professional privilege.
- Enable a Government department, Minister of the Crown, organisation or Local Authority to carry out, without prejudice or disadvantage, commercial activities or negotiations.
- Prevent the disclosure or use of official information for improper gain or improper advantage.

### 3.3 The Balancing Exercise

The following is a list of matters the University will consider in the balancing exercise but these are not determinative of the outcome:

- Ability of the public to participate in state processes.
- Evidence that withholding the information will protect the interest including the content of the information sought.
- The context in which the information was generated including:
  - the policy/decision-making process to which the information relates;
  - the stage of development of the policy/decision-making process;
  - the relevance of the information – determine if it is still useful to the process or any other policy/decision-making process;
  - deciding if any of the information sought is already in the public domain; and
  - reviewing what decisions have been made in relation to the information being sought.
- Wrongdoing by public servants/agents or mismanagement/waste.
- Expectations of any individual to whom the information relates.
- Concerns from the person giving the advice/opinion and the person holding the advice/opinion.
- Protection of University staff and other associated people from improper pressure or harassment (what sort of behaviour will happen in response to release of information, against whom will the information be directed, does that person fit into the protected category and what is their contribution to the effective conduct of public affairs, how will that contribution be affected by the expected behaviour).
- Reasons why the requester is seeking the information (note the requester does not have to give these reasons).

#### 4. Right of Access to Internal Rules Affecting Decisions

The process for accessing internal rules affecting decisions is identified above in section 1: *Request for Official Information*. Information requested does not always have to be provided, see section 3: *Withholding Information* above.

#### 5. Right of Access to a Written Statement Containing Reasons behind a Decision

The process for a person to access a written statement containing reasons behind a decision about that person is identified above in section 1. The OIA identifies the grounds for withholding or refusing access. The University identifies what a written statement will contain (with exceptions) and the most likely grounds that access to the written statement may be withheld. The written statement will contain:

- (a) the findings on the issues of fact;
- (b) the reasons for the decision or recommendation; and
- (c) a reference to the information on which the findings were based, unless
  - (i) the disclosure of the information (or of information identifying the person who supplied it), being evaluative material, would breach an express or implied promise
    - which was made to the person who supplied the information; and
    - which was to the effect that the information or the identity of the person who supplied it or both would be held in confidence; or
  - (ii) after consultation undertaken (where practicable) by or on behalf of the department or Minister of the Crown or organisation with a natural person's medical practitioner, the department or Minister of the Crown or organisation is satisfied that
    - the information relates to that person; and
    - the disclosure of the information (being information that relates to the physical or mental health of the person making the request under this section) would be likely to prejudice the physical or mental health of that person; or
  - (iii) in the case of a natural person under the age of 16, the disclosure of that information would be contrary to that person's interests; or
  - (iv) the disclosure of that information (being information in respect of a person who has been convicted of an offence or is or has been detained in custody) would be likely to prejudice the safe custody or the rehabilitation of that person. ([s23 Official Information Act 1982 \(New Zealand Legislation website\)](#))

##### 5.1 Grounds for Withholding Access to a Written Statement

A written statement does not always have to be provided, see section 3: *Withholding Information* above.

## Related Documents and Information

### Legislation

- [Education Act 1989 \(New Zealand Legislation website\)](#)
- [Local Government Official Information and Meetings Act 1987 \(New Zealand Legislation website\)](#)
- [Official Information Act 1982 \(New Zealand Legislation website\)](#)
- [Ombudsmen Act 1975 \(New Zealand Legislation website\)](#)
- [Privacy Act 1993 \(New Zealand Legislation website\)](#)

### Regulations

- [University Regulations \(University Regulations website\)](#)

### UC Policy Library

- [Privacy Policy \(PDF, 568KB\)](#)

### UC Website and Intranet

- [Distance Learning and Regional Campus Students \(University Information and Technology Services website\)](#)
- [University Publications \(University Publications website\)](#)

### External

- [Charging Guidelines for Official Information Act 1982 Requests \(Ministry of Justice website\)](#)

Document History and Version Control Table			
Version	Action	Approval Authority	Action Date
<i>For document history and versioning prior to 2013 contact <a href="mailto:ucpolicy@canterbury.ac.nz">ucpolicy@canterbury.ac.nz</a></i>			
1.00	Major review of document and conversion into new template.	Vice-Chancellor	Sep 2013
1.01	Hyperlinks updated.	Policy Unit	Nov 2013
1.02	Hyperlinks updated.	Policy Unit	Aug 2014
2.00	Scheduled review by Contact Officer.	Policy Unit	Jul 2015
2.01	Amended definitions for consistency within policies.	Policy Unit	Oct 2015