



MPI Organisational Policy

Official Information and Ombudsman Inquiries

Owner: *Deputy Director-General
Office of the Director-General*

OVERVIEW

Purpose

The purpose of this policy is to set out MPI's responsibilities:

- under the Official Information Act 1982 (OIA) and
- with respect to investigations by the Ombudsman into MPI's decisions under the Official Information Act.

Accountability

The Director-General holds responsibility for decisions under the Official Information Act.

This authority has been formally delegated within MPI to various employees, as described in the [MPI General Statutory and Financial Delegation Instrument](#).

Authority is delegated to:

- a) make decisions to withhold or to release official information;
- b) extend time limits in respect of decisions;
- c) transfer requests; and
- d) specify the charge payable for collation and release of official information (subject to Ministry of Justice Charging Guidelines).

Those with a delegated authority are accountable for their decisions in exercising their delegated authority, responses meeting timeliness obligations, and that responses are true and correct at the time of their decision.

MPI has established the Official Information Act Team who are responsible for:

- the provision of information and advice on the operation of the OIA;
- preparation of the response;
- ensuring appropriate consultation and approvals;
- maintain organisational knowledge on current rulings and opinions from the Ombudsman; and
- distinguishing between OIA and Privacy Act requests.

MPI staff are responsible for ensuring that all requests for information that meet the criteria specified in the associated Official Information Guidelines are referred to the Official Information Act Team, and providing information in a timely manner. These Guidelines include details of how information requests from the Media should be processed.

MPI is required to co-operate with an inquiry or investigation by the Office of the Ombudsman. Any correspondence from the Ombudsman concerning a complaint under the OIA must be referred to the Official Information Act Team.

SCOPE

Information created by or held by MPI is "official information" under the OIA, unless specifically excluded by the OIA (Section 2(1)).

The OIA applies to all requests for information from any person eligible to make a request, even if the Act is not mentioned in the request. However, the OIA does not apply to requests for information from persons that do not fall within section 12 of the OIA.

RULES AND REQUIREMENTS:

SHARED RESPONSIBILITIES

All decisions on requests for information are to be managed in accordance with the Official Information Act (OIA).

OFFICIAL INFORMATION ACT

MPI will comply with the OIA by:

- Treating all requests for official information as being made under the OIA as appropriate.
- Complying with the statutory timeframes;
- Making official information available where possible and providing reasonable assistance to requestors; and
- Acting in accordance with this policy and the associated Official Information Guidelines.

Where required by the Official Information Guidelines a request for information must be logged with the Official Information Act team.

The final decision on any request for the release of information lies with those exercising delegated powers, or with the Director-General.

OMBUDSMAN INQUIRIES AND INVESTIGATIONS

Any correspondence from the Ombudsman concerning a complaint made to them by a person who has requested information under the OIA must be referred to the Official Information Act Team.

FURTHER GUIDANCE and INFORMATION

- [Official Information Guidelines](#)
- Where a cross over between the OIA and Privacy Act exists consult the Privacy Policy <http://fcs/webtop/drl/objectId/090101b380ded724>

STATE SECTOR GUIDANCE

- Ombudsman practice guidelines <http://www.ombudsman.parliament.nz/resources-and-publications/guides/official-information-legislation-guides>
- The Ministry of Justice Charging Guidelines <http://www.justice.govt.nz/publications/global-publications/c/charging-guidelines-for-official-information-act-1982-requests/publication>
- Chapter 8 of the Cabinet Office Manual <http://www.cabinetmanual.cabinetoffice.govt.nz/8>

BINDING LEGISLATION

- Official Information Act 1982 (OIA)
- Privacy Act 1993

BREACHES

Failing to comply with this Policy may amount to a breach of the Code of Conduct for MPI employees.