

21 June 2024

J Dough  
fyi-request-27008-14df83de@requests.fyi.org.nz

Dear J Dough

***Request for information***

I refer to your Official Information Act 1982 (OIA) requests of 26 May and 27 May 2024.

My response to each of your requests can be found below.

Please note that your questions 1 to 3 are not requests for official information but rather questions about how the official information applies and operates. As such, no response is required to those, and for matters regarding application of the law, you should seek your own legal advice. However, I have provided information which I hope you will find helpful.

- 1. If someone has written to the NZ Police and the NZ Police have determined that the correspondence is "partially covered" by the Official Information Act 1982, must the Police:*
  - \* Confirm which questions are covered and not covered by the Official Information Act 1982?*
  - \* Meet the 20 working days deadline for all questions which are covered by the Official Information Act 1982?*
  - \* Provide a deadline for all other questions which are not covered by the Official Information Act 1982?*
  - \* Can the police ignore questions without giving any reason(s)? If so, please provide a list of all valid reasons.*

*For each of the above questions, for the answers please refer to the appropriate legislation by Section of the Act (or similar)*

There is no statutory requirement that Police, on receiving correspondence containing questions, confirm which questions it considers to be subject to the OIA and which it does not.

Police is required to comply with the statutory timeframe for requests that meet the criteria set out in section 12 of the OIA.

There is no requirement that Police provide a deadline for all questions it receives which are not subject to the OIA. Whether to do so will be determined on a case-by-case basis.

Police is not required to respond to every question it receives, again whether to do so will be determined on a case-by-case basis. It is not possible to provide a list of all the circumstances in which Police would or would not respond to a question, therefore that part of your request is refused under section 18(g) of the OIA as the information is not held.

- 2. What are the consequences for the NZ Police failing to meet the 20 day deadline for information requested under the Official Information Act 1982?*

If a decision on an OIA request is not made and communicated within the statutory timeframe requester may have the right to complain to the Ombudsman. Please refer to part 5 of the OIA, which sets out the statutory provisions governing review of OIA decisions.

3. *What is a reasonable deadline for all other questions which are not covered by the Official Information Act 1982?*

The OIA allows individuals to request information an organisation already holds, it does not require an organisation to create new information or form an opinion in order to respond to a request.

This part of your request is therefore refused under section 18(g) of the OIA, as the information is not held.

4. *Please provide a copy of any documentation, including processes and procedures, that the NZ Police use to determine if a question is covered by the Official Information Act 1982 or not. This should include the time frame for this to happen.*

*Please provide a copy of any documentation, including processes and procedures, that the NZ Police use to determine if a request should be classed as "urgent", as per Section 12(3) the Official Information Act 1982 or not.*

Please refer to the *Disclosure under the Official Information Act 1982 (OIA) Police Manual* chapter, which is publicly available here: <https://www.police.govt.nz/about-us/publication/disclosure-under-official-information-act-1982-oia-police-manual-chapter>

While it is not official information, Police staff may also utilise the guidance produced by the Office of the Ombudsman, which is publicly available on the Ombudsman's website.

5. *Can the NZ Police provide a breakdown to show the time taken to respond to requests made under the Official Information Act 1982. This should cover the last 5 years, with the mean, mode and median values for requests made, broken out into urgent (Section 12(3) requests) and non-urgent, plus outcome, i.e. if answered in full, answered in part or not answered (e.g. refused due to the Privacy Act, national security, etc.).*

Police provides reporting to the Public Service Commission (PSC) on a range of metrics relating to OIA requests. Since January 2022 these metrics have included the median and mean response times, and the number of requests refused in full. The PSC publishes the results it receives from the participating agencies here: <https://www.publicservice.govt.nz/guidance/official-information/oia-statistics>

Since 2019/20 Police has also reported the number of OIA requests refused in full to the Justice Select Committee as part of its response to Annual Review questions. The Justice Select Committee publishes the responses on the Parliament website: <https://www.parliament.nz/en/>

To that extent this part of your request is refused under section 18(d) of the OIA, as the information is already publicly available.

The remainder of this part of your request is refused under section 18(g) of the OIA as the information is not held.

6. *Please provide a copy of any documentation, including processes and procedures, that cover how a Section 12 request, both urgent and non-urgent, is handled by the NZ Police.*

Please refer to the *Disclosure under the Official Information Act 1982 (OIA)* Police manual chapter referred to in part 4 above.

You have the right to seek an investigation and review by the Ombudsman of this decision. Information about how to make a complaint is available at [www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz) or freephone 0800 802 602.

Yours sincerely



Lee Hodgson  
Director Ministerial Services  
New Zealand Police