

Kaupapa-here | Official Information Policy

Mō wai me te whānuitanga | Audience and scope

This Policy applies to:

- a) all employees of Te Pūkenga, including contracted staff, consultants and secondees providing services for Te Pūkenga, and those on fixed-term contracts (collectively referred to as **Kaimahi** in this Policy); and
- b) where appropriate, Ohu Kaitiaki, which extends to all those operating at a governance level, including Council members and members of Council’s advisory committees.

For the purpose of this Policy, ‘Te Pūkenga’ refers to both Te Pūkenga head office and Business Divisions of Te Pūkenga, and excludes Te Pūkenga subsidiaries.

This Policy covers the manner in which requests for information received by Te Pūkenga and its Business Divisions (expressly under the Official Information Act 1982 (‘OIA’ or ‘Act’) or otherwise) should be managed at Te Pūkenga.

Application to transitioning ITP subsidiaries

For Te Pūkenga subsidiaries transitioning to Te Pūkenga Business Divisions, this Policy will take effect immediately after an ITP subsidiary has been dissolved. OIA requests must be managed in accordance with the terms of this Policy and the Operational Directive issued to the Business Division at the time of dissolution.

Mokamoka whakaaetanga | Approval details

Version number	2	Issue date	1 June 2022
Version history		<i>Reason for amendment/s</i>	a) Expanding the Policy to accommodate early movers
Approval authority	Te Pūkenga Council	Date of approval	30 May 2022
Policy sponsor (has authority to make minor amendments)	Director Legal and Risk	Policy owner	DCE Operations
Contact person	Sinead Hart	Date of next review	1 December 2022

Ngā whakatikatika | Amendment history

Version	Effective date	Created/reviewed by	Reason for review/comment
1	4 August 2021	Sinead Hart	Initial version
2	1 June 2022	Sam Shannon/Sinead Hart	Expanding the Policy to accommodate early movers

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1. Pūtake | Purpose

The purpose of this Policy is to provide a framework to ensure that:

- a) all requests for official information are dealt with efficiently and in accordance with the obligations of Te Pūkenga under the OIA;
- b) sound decisions are made as to whether official information should be released; and
- c) decisions to refuse or charge for requests for official information are justified under the OIA.

2. Te Pae Tawhiti | Te Tiriti o Waitangi Excellence Framework

The Council of Te Pūkenga acknowledges that this Policy has been adopted while there is ongoing work being carried out to consider how Te Pae Tawhiti - Te Tiriti o Waitangi Excellence Framework should be fully embedded in the Policy. The Council notes that Te Pūkenga is still on its transition journey and, as it matures, this Policy and others will be reviewed to ensure they align with the new Operating Model and reflect Te Pae Tawhiti best practice.

3. Ngā Mātāpono | Principles

- 3.1. All decisions regarding management of Te Pūkenga official information requests and proactive releases are guided by the principle of availability and purposes of the OIA, and the Government's 2011 adoption of the Declaration on Open and Transparent Government. The principles that guide how we manage OIA requests are also aligned and supported by Te Pūkenga values.
- 3.2. Te Pūkenga will adhere to the following principles whenever a request for official information is made:
 - a) comply with the requirements and observe the spirit and purposes of the OIA, and other applicable legislation (e.g. the Privacy Act 2020);
 - b) demonstrate integrity, honesty, and sound judgement in the management of official information requests and proactive releases;
 - c) exercise due diligence and assess the potential effect of reactively or proactively releasing official information including considerations relevant to the preservation of safety, security, and personal privacy;
 - d) support increased proactive release in line with the OIA's purpose of progressively increasing the availability of official information to the people of New Zealand, including the publication of appropriate OIA responses;
 - e) take account of the particular needs of the requestor and release official information in accessible and usable forms wherever possible;
 - f) consult or notify other relevant stakeholders before releasing official information as required or permitted by the OIA, including consulting or notifying the office of the Minister of Education on the reactive or proactive release of significant official information in advance on a "no surprises" basis; and

- g) drive a culture of continuous improvement in official information practice that empowers kaimahi to learn, enhance performance, and innovate to best meet the needs of the New Zealand public.

3.3. In addition, Te Pūkenga will ensure:

- a) requests for official information are granted unless there is good reason (as per the OIA) not to grant them;
- b) all decisions to withhold official information are approved in accordance with this Policy
- c) adequate documentation is maintained to enable Te Pūkenga to show legal compliance and facilitate internal review;
- d) appropriate governance and management arrangements are in place to oversee relevant processes and their application; and
- e) the reputation of Te Pūkenga is not compromised by any activity relating to official information requests.

4. Ngā Hātepe | Procedures

Who can request information from Te Pūkenga?

4.1. The OIA applies to requests for official information by:

- a) a New Zealand citizen
- b) a permanent resident of New Zealand
- c) a person who is in New Zealand
- d) a body corporate that is incorporated in, or with a place of business in, New Zealand.

4.2. Requests by other persons (e.g., overseas residents) are at the sole discretion of Te Pūkenga and should be considered on a case by case basis.

Where should requests for information be referred?

4.3. Requests for official information may be made in any form and by any means (including in writing or orally), and the request does not need to expressly refer to the OIA.

4.4. Any requests for official information whether received by Te Pūkenga central function or a Te Pūkenga Business Division must be referred to the Office of the Chief Executive as soon as they are received.

4.5. If the request is potentially sensitive, it should as soon as reasonably practical be referred to the Office of the Chief Executive and the delegated Deputy Chief Executive of the workstream that is responsible for the information requested.

Who is responsible for responding to OIA requests?

4.6. OIA requests that request information held by Te Pūkenga head office will be drafted by the Office of the Chief Executive.

- 4.7. OIA requests that request information held by a Te Pūkenga Business Division can be drafted by that Business Division but are subject to review by the Office of the Chief Executive in the manner set out below.
- a) The Chief Executive or delegated Deputy Chief Executive are responsible for ensuring that OIA responses meet our obligations under the OIA. Therefore, all responses drafted by a Business Division must be provided to the Office of the Chief Executive for assessment no later than 16 working days after the request is received (unless the requester has been notified of an extension to the 20-working day timeframe for responding).
 - b) All responses to OIA requests will be signed off by the Chief Executive or delegated DCE before being released.

Relevant factors that regard should be had to

- 4.8. Te Pūkenga must grant requests made for official information unless it has good reason under the OIA to refuse the release of the requested information.
- 4.9. Te Pūkenga can refuse a request for official information only in the circumstances described in sections 6, 9, 10 and 18 of the OIA, which include, but are not limited to, public interest considerations favouring withholding of information in certain circumstances such as protection of the privacy of natural persons and the maintenance of legal professional privilege.
- 4.10. All relevant information should be provided to the team tasked with drafting the OIA response within 12 working days of receiving the request, including the context in which the information was generated, so that they are aware of all relevant facts before making a recommendation in relation to the release or withholding of information.

Decision making process

- 4.11. Where OIA requests are to be drafted by the Office of the Chief Executive, the Director Legal and Risk, together with the Chief Advisor to the Chief Executive, will make a recommendation to the Chief Executive on whether to release or withhold the requested information.
- 4.12. Where OIA requests are to be drafted by a Business Division, the Business Division will make a recommendation to the Office of the Chief Executive whether to release or withhold the requested information. The Office of the Chief Executive and Director of Legal and Risk will then assess the proposed response and either agree or advise the Business Division of their suggested changes to the proposed response.
- 4.13. Only the Chief Executive or delegated Deputy Chief Executive may approve the release of requested information or the refusal of requested information. Any refusal must expressly state the section of the OIA that is being relied upon for the purpose of refusing the request.
- 4.14. If the request for official information is refused, a response to the applicant and signed by the Chief Executive or delegated Deputy Chief Executive must give:
- a) the reason for the decision to refuse the release of the information
 - b) if requested, the grounds to under the OIA in support of that reason

- c) information concerning the applicant's right to complain to the Ombudsman under section 28(3) of the OIA to seek an investigation and review of the decision to refuse.

Timeframes

- 4.15. The decision on the request must be made and communicated to the requester **as soon as reasonably practicable** and not later than 20 working days after receiving the request. However, the time limit may be extended with approval from the Chief Executive or delegated Deputy Chief Executive, if:
 - a) the request is for a large quantity of information or the request requires a search through a large quantity of information and meeting the original time limit would unreasonably interfere with the operations of Te Pūkenga; or
 - b) consultations are needed to make a decision and a proper response cannot be made within the original time limit.
- 4.16. If an extension is required, the Kaimahi dealing with the request must notify the Chief Executive or delegated Deputy Chief Executive as soon as reasonably practicable and not later than 15 working days after receiving the request.
- 4.17. The requester must be advised of this extension decision, and the reason under the OIA to support this decision, as soon as reasonably practicable and before the expiry of the 20 working day limit for response. This should be by way of written response signed by the Chief Executive or delegated Deputy Chief Executive.

Transfer

- 4.18. If the Kaimahi dealing with the request believes:
 - a) that some or all of the information requested is not held by Te Pūkenga but is held by another agency subject to the OIA or the Local Government Official Information and Meetings Act 1987 or Ministers; or
 - b) some or all of the information is more closely connected with the functions of another agency of Minister.

then the person must notify the Office of the Chief Executive of this and seek approval from the Chief Executive to transfer the request to the other agency.

- 4.19. Transfers must be made within 10 working days of receiving the request.

How the information is made available

- 4.20. Where the requested information is contained in a document, the information must be made available in one of the following ways, as requested by the applicant:
 - a) by giving the applicant a reasonable opportunity to inspect the document;
 - b) by providing the applicant with a copy of the document;
 - c) where the information is held in electronic form as a sound or visual recording, by making arrangements with the requester to be able to view or hear those images or sounds or by providing a written transcript of the words recorded or contained in the document;
 - d) by giving the applicant an excerpt or summary of the contents; or

e) by giving the applicant oral information about its contents.

- 4.21. Documents can be made available with deletions (redactions) or alterations if there is good reason for withholding some information in the document and if approved by the Chief Executive or the delegated Deputy Chief Executive in accordance with section 4.22 of this Policy. Te Pūkenga must give the applicant the reason for withholding the information.

Declining to give the information in the way requested

- 4.22. Only the Chief Executive or delegated Deputy Chief Executive can decide not to give the information in the way requested by the applicant. Such a decision can be made if to do so would:
- a) impair efficient administration
 - b) be contrary to any legal duty of Te Pūkenga relating to that document, or
 - c) prejudice the interests protected by sections 6 or 9 of the Act and (in the case of the interests protected by section 9) there is no countervailing public interest.
- 4.23. In such cases, Te Pūkenga must give the applicant the reason for not providing the information the way they requested by way of written response signed by the Chief Executive or delegated Deputy Chief Executive.

When to charge for information requests

- 4.24. In accordance with the OIA and relevant Ombudsman guidelines, Te Pūkenga can decide to fix a reasonable charge for supply of the information requested to recover some of the costs associated with responding to the request.
- 4.25. Charges must be consistent with the Ministry of Justice Charging Guidelines for Official Information Act 1982 Requests¹ and must be communicated to the applicant prior to the cost being incurred.
- 4.26. Any decision to charge an applicant in respect of an official information request must be approved by the Chief Executive or delegated Deputy Chief Executive.

Proactive release of information

- 4.27. In accordance with the Public Services Commission Proactive Release of Information Guidelines², and in the interests of increased transparency for the public interest, Te Pūkenga will proactively release official information, including responses to official information requests, where considered appropriate.
- 4.28. The Chief Executive or delegated Deputy Chief Executive must approve any decision to proactively release official information.
- 4.29. If a response to an official information request is proactively released:
- a) the information will be published on the website of Te Pūkenga, or if the information was held by a Business Division, on that Business Division's website, and

¹ [2002 charging guidelines \(justice.govt.nz\)](https://www.justice.govt.nz/official-information/2002-charging-guidelines)

² [Proactive Release of Official Information - December 2017 - State Services Commission \(publicservice.govt.nz\)](https://www.publicservice.govt.nz/official-information/proactive-release-of-official-information-december-2017)

- b) the response to the applicant will advise that the response (with the applicant's personal details removed) will be published on the website of Te Pūkenga or relevant Business Division.

5. Recordkeeping

- 5.1. Records must be kept in accordance with the applicable Records Management Policy of Te Pūkenga (as updated from time to time) and reflecting the recordkeeping requirements of Part 2 of the Public Records Act 2005 that “every public office and local authority must create and maintain full and accurate records of its affairs”.
- 5.2. In practice this means, records and copies of the following must be kept:
 - a) all official information requests;
 - b) all decisions made regarding action taken on official information requests; and
 - c) all information released under official information requests - in original (non-redacted) and redacted form, where this is the case.

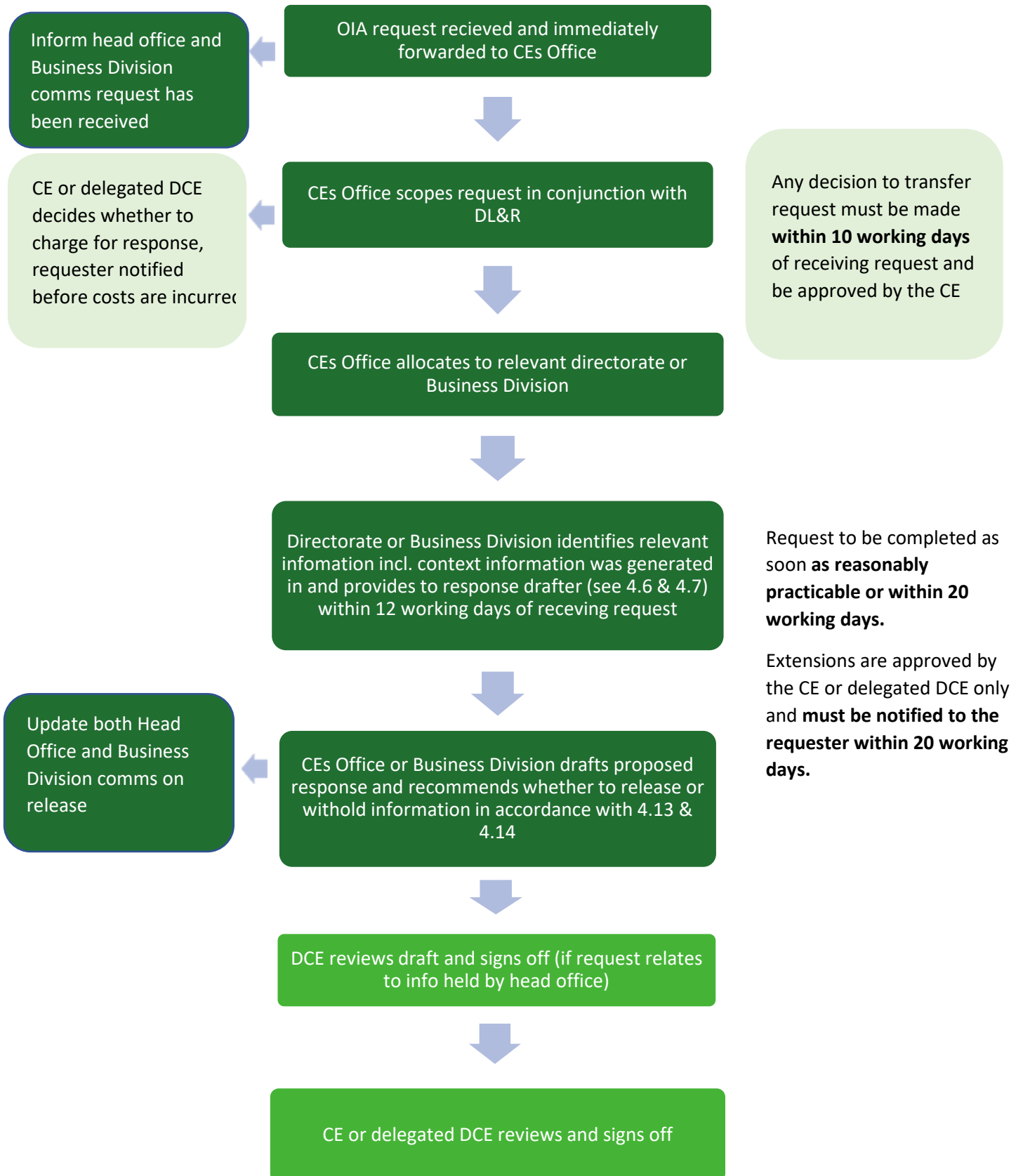
6. Communication with the Ombudsman

All enquiries, correspondence, or other communications received by Te Pūkenga from the Office of the Ombudsman regarding compliance with the OIA must be promptly forwarded to the Chief Executive and responsible Deputy Chief Executive or head of Business Division.

7. Evaluation/Outcomes

The management of information requests under the OIA, and this Policy, will be measured by inclusion in Te Pūkenga reporting processes and additionally by external audit, as required.

8. Official Information Act (OIA) response process map



9. Ngā Haepapa | Responsibilities

Role	Responsibilities
Te Pūkenga Council	<ul style="list-style-type: none"> • Adopt this Policy
Chief Executive or delegated Deputy Chief Executive	<ul style="list-style-type: none"> • Ensure OIA responses are compliant with the requirements of the OIA. • Determine whether to approve or decline requests for official information. • Determine whether to extend time limits for responding to OIA requests beyond 20 working days. • Determine whether to transfer an OIA request to another government agency. • Determine whether to withhold certain information under an OIA request. • Determine whether to apply a charge for any OIA request received. • Determine whether to proactively release official information. • Consider communications received from the Office of the Ombudsman regarding OIA compliance.
Office of the Chief Executive	<ul style="list-style-type: none"> • Assess and draft responses to OIA requests in accordance with this Policy. • Draft requests for official information under the OIA. • Consider draft responses to OIA requests where those have been produced by Business Divisions in accordance with this Policy.
Chief Advisor to the Chief Executive	<ul style="list-style-type: none"> • Make recommendations to the Chief Executive whether to release or withhold information under an OIA request • Assess draft responses to OIA requests that are proposed by Business Divisions in accordance with this Policy.
Director Legal and Risk	<ul style="list-style-type: none"> • Make recommendations to the Chief Executive whether to release or withhold information under an OIA request. • Assess draft responses to OIA requests that are proposed by Business Divisions in accordance with this Policy.
Business Divisions	<ul style="list-style-type: none"> • Draft responses to OIA requests which are applicable to their Business Division and refer those to the Office of the Chief Executive in

	accordance with the requirements of this Policy, including specified timescales.
Te Pūkenga Kaimahi	<ul style="list-style-type: none"> • Comply with this Policy. • Provide OIA requests to the Office of the Chief Executive in accordance with the requirements of this Policy. • Provide all relevant information to those responsible for drafting a response to an OIA request within the requisite timescales and in accordance with this Policy. • Notify the Chief Executive or delegated Deputy Chief Executive as soon as possible (and no later than 15 days after having received an OIA request) where it's considered an extension of time for responding to the request is required. • Notify the Office of the Chief Executive and seek approval from the Chief Executive when it believes an OIA request should be transferred to another government agency, in accordance with the requirements of this Policy (transfers of OIA requests must be made within 10 working days of receiving the request). • Promptly forward all communications received from the Office of the Ombudsman regarding compliance with the OIA to the Chief Executive and responsible Deputy Chief Executive or head of Business Division.

10. Ngā Tikanga | Definitions

Term	Definition
Business Division	References an ITP subsidiary that dissolves prior to 31 December 2022.
ITP Subsidiary	Each of those companies referred within the Education and Training Act 2020, Schedule 1, section 20(3).
Kaimahi	All employees of Te Pūkenga, including contracted staff, consultants and secondees providing services for Te Pūkenga, and those on fixed-term contracts.
Ohu Kaitiaki	All those operating at a governance level, including Council members and members of Council's advisory committees.
Te Pūkenga subsidiaries	Every ITP Subsidiary and Te Pūkenga Work Based Learning Limited.

11. Ngā Hononga ki Tuhinga kē | Links to Other Documents

Ngā Kaupapa-Here e Hāngai ana | Related Policies

Privacy Policy

Ngā Tukanga me ngā Hātepe | Processes, Procedures

Privacy Procedure