

5 May 2022

Grant Birkenshaw

s7(2)(a)

Tēnā koe Grant

Request for Information – Local Government Official Information and Meetings Act (LGOIMA) 1987

We refer to your official information requests dated 27 April 2022, 4 May 2022 and 5 May 2022. The answers for each of the requests follows below.

5 May 2022

You have requested the following information:

- I. *When (what year approx.) did the Council become so cautious about answering simple questions, such as staff numbers?*
- II. *What facilitated this fear?*
- III. *How many staff are in the LGOIA team.*
- IV. *How many staff and external consultants are in the communications team?*

Our responses to these questions are:

- The Hutt City Council does not hold information available to respond to your questions I & II. Accordingly, your request has been refused under section 17(g), on the grounds that the information requested is not held by the Council and we have no grounds for believing that the information is either held by another organisation or is more closely connected with the functions of another organisation.
- With respect to question III, the LGOIMA work is predominantly undertaken by 1 dedicated staff member.
- With respect to question IV, there are 9 staff in the Council's Communication team, which undertakes a range of responsibilities.

4 May 2022

You have requested the following information:

- I. *Would you please forward me a copy of your "fixed process"*
- II. *Does i) above, become a LGOIA request?*

Our responses to these questions are:

- An overview of the process is attached, in response to question I. This requires updating, so is a work in progress.
- Question I above is a LGOIMA request.

27 April 2022

You have requested the following information in relation to planning:

- I. Current number of in-house staff.*
- II. Optimal number of in-house staff.*
- III. Number of Consultants, above the 19 in the report of 6th April.*
- IV. Other Council planning assistance.*
- V. Necessary budget increase (%) over next two years.*

Our responses to these questions are:

- As at 9 May 2022, there are 6 planners, 2 compliance officers and 2 planning technicians in the team.
- We haven't defined an optimal number of in-house staff, though we currently have 2 vacancies for planners.
- No further consultants have been engaged, above the 19 reported in the 6 April 2022 report.
- Hutt City Council is exploring an option of having another council process on our behalf, eg Opotiki Council.
- It is unclear which budget you are referring to here. If you could clarify this, we will try to answer your question.

You have the right to seek an investigation and review by the Ombudsman of this response. Information about how to make a complaint is available at www.ombudsman.parliament.nz or freephone 0800 802 602.

Please note that this letter may be published on the Council's website.

Nāku noa, nā



Susan Sales
Senior Advisor, Official Information and Privacy

Enclosure: LGOIMA process

LGOIMA Requests

What does a request look like

Every request for information falls under LGOIMA – we need to treat it accordingly.

Treating all your queries as LGOIMA requests, and including them in public reporting will also give a much truer picture of a council's responsiveness with information,

Where do they come from

Contact centre

Facebook page

Direct email

Letter

Phone call

Timeframes

We have 20 working days but we should be endeavouring to have the response out as soon as we have collated the information

10 days to transfer to another agency



Released under the Official Information and Meetings Act

First Considerations

If you have received a request for information there are a few main considerations you should take into account, ask yourself:

1. Has the requester provided the request in writing
2. Do I understand exactly what the requestor is asking for?
3. What are the legislative timeframes for me to reach a decision on the request?
4. Does the Council hold the information?



Information Request

We have received the attached request for information.

Request summary

This is a request for information regarding [summary of request]

Comments:



Date Received

Click here to enter a date.



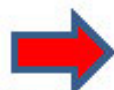
Transfer by

Click here to enter a date.



Checkpoint

Click here to enter a date.



Day 20

Click here to enter a date.

Request type	Choose an item.
TRIM divider ID	
Requester name	
Request advisor (RA)	Euan Kyle
Responding Officer	
Sign-out Manager	
Risk	Choose an item.



Low risk

Operational information

Information in the public interest



Medium risk

Commercially sensitive

Personally identifiable information



High risk

Reputational harm to the Council

Legal risk to the Council

What to Consider:

- Has the information request been assigned to the right person or team? – get in touch with the RA if you believe this is the case
- We have a duty to work with the requestor to formulate a workable request.
- Does the request need refining or clarifying with the requestor? – If so, we need to seek clarification within the first 7 working days
- Do we need to coordinate with other agencies or is a transfer required? – if needed, we must transfer the request within 10 working days
- Keep an eye on the dates and remember the request should be done as soon as reasonably possible.
- Do you believe the request carries a legal or media risk? – get in touch with the RA if you believe this is the case
- Identify and consult with stakeholders on the response – including elected members
- Do you agree with the risk rating or do you believe it should be changed

The Checkpoint

- To be used if request is considered Medium or High risk
- Either an email update or meeting
- Should be done at least 10 days before reply is due to go out
- Sign-out manager, RA and Responding Officer to be involved as well as Legal and Media advisor if required
- Draft response including the proposed redactions should be ready
- Is there a reason for this to NOT go on the website?
- Check withholding grounds

Responding Officer Responsibility

- Responsible for finding the information in scope of the request.
- Keeping the manager and RA informed of the progress of the OIA and ensuring they are available at key points.
- Communicating with your team on process and any issues.
- Ensuring the LGOIMA process is followed.

Ask the RA if you need any assistance in responding to a request for information.

Reminder: LGOIMAs are important as they are seen by staff and members of the public

Help With Withholding Grounds

Remember Section 5 "the information shall be made available unless there is good reason for withholding it"

Ask the RA if you need any guidance as to how to apply withholding grounds

Here are some common withholding grounds:

- To protect the privacy of natural persons
- The information is deemed commercially sensitive
- To avoid serious offence to tikanga Maori, or to avoid the disclosure of the location of waahi tapu
- To maintain legal professional privilege

The RA is always happy to sit down and go through any specific questions

Extension of time

The deadline to extend the request is the date of reply (20 working days after receipt of request).

You can extend due to the amount of information to assess and review or if a large amount of consulting with other agencies, departments or a third party is required.

YOU CAN ONLY EXTEND ONCE! So carefully consider how long you need to extend by, be realistic and err on the side of caution.

If you believe you will need to extend the timeframe please get in touch with the RA

Response

A letter template will be saved in to the TRIM divider which provides a structure to respond to the request

Check if it needs to be escalated to be signed off for release

Can be a phone call to the requester to provide the information if it is a simple request and if the requester is happy to receive it in the manner

Either convert it to pdf in order to send as attachment or format it as an email reply.

Withholding Information

The LGOIMA allows for Refusal of requests:

- The information requested does not exist or, despite reasonable efforts to locate it, cannot be found:
- The information requested cannot be made available without substantial collation or research:
- The information requested is not held by the local authority and we don't believe it is held by another agency

The LGOIMA allows for withholding information to:

- Protect the privacy of an individual
- Maintain legal professional privilege
- Protect information that would disclose a trade secret or be considered commercial sensitive



Process for LGOIMA Requests

1. Council receives the request

- Requests for information can come in any format including orally.
- Requesters do not need to specify that the request is being made under the LGOIMA
- Requests need to be forwarded to the Information Management team

2. Information Management Team will assess the request

- Is this information held by the Council?
- Is this a LGOIMA request?
- Which part of council does this relate to

3. Request acknowledged

- The request needs to be acknowledged within 24 hours by sending the acknowledgement template letter stored in CM9
- The OIR advisor will usually do this step

4. Request sent to council officers

- A summary document with further instructions will be sent with the request
- Am I the correct person to be dealing with the request, who do I need to talk to?

5. Scope the Request

- Is this information held by the Council? How long will it take to collate?
- If you need to clarify the request with the requestor this is a good time to do it. We have a duty to work with the requester to formulate a workable request
- Extension of time limits – requester must be notified as soon as possible

Process for LGOIMA Requests

6. Collate and assess the information

- Have I checked all possible information sources?

7. Discuss with OIR Advisor if needed

- Is there information that needs protecting?
- Is there any information that needs to be withheld or redacted?
- Do we need to let the requester know that we require an extension

8. Communicate the decision and send the information

- Let the requestor know if we will be releasing the information, it is only in very rare circumstances that Council charges, seek advice if you plan to do this
- Give the information to the requestor – this could be over the phone, via email or in hardcopy

9. File response

- File the response in the TRIM folder for this request
- Either CC the OIR advisor in to your response or forward your response after you have sent it so it can be proactively released on the Council website

Note:

- For small or “easy” requests you can acknowledge and respond in the same email or phone call

Releasing Information Under the Privacy Act vs LGOIMA

If someone makes a LGOIMA request and it includes personal information, consider:

- The nature of the information and what it would reveal about the person(s) to whom it relates.
- The circumstances in which the information came to be held by the Council.
- Whether the person to whom the information relates would consent to its disclosure
- The extent to which the information is already in the public domain.