

## Chief Ombudsman launches fresh investigation into OIA delays

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The Chief Ombudsman Peter Boshier is launching a new investigation into claims agencies are frustratingly slow in responding to requests for information.

Mr Boshier says 40 years ago this month Parliament passed the Official Information Act into law.

“The OIA exists to promote transparency and accountability and to enable the public to participate in government decision-making. It requires agencies to make decisions on requests for information as soon as reasonably practicable.

“I am worried delays are leading to the perception – especially among journalists – that the Official Information Act (OIA) is being used as a bureaucratic tool to stifle the flow of information. This is not in line with the principle of availability that is the foundation of this law.

“I receive individual complaints about delays but I need to understand whether this is a broader issue. Is it a resourcing issue, document management issue or are their sign-out processes inefficient? Alternatively, are journalists casting their nets so wide that agencies are struggling to gather the information in time?”

Mr Boshier’s investigation is a follow-up to his *Ready or not?* report that was published in September and which looked into the practices of 12 government agencies.

“*Ready or not?* gave me a really good indication of what is happening out there. I want to lift the rock to see what is underneath.

“I am concerned some agencies are routinely using the 20 working day maximum timeline as a target and leaving it to the last possible moment.

“Since releasing *Ready Or not?*, I have met with a number of groups – including journalists - to discuss my findings. They have told me agencies can be frustratingly slow at making decisions.

Reporters work to tight deadlines so that the public are kept informed. They complain that when information is finally released, it belongs in the history books rather than the headlines.

The public therefore has limited opportunity to participate or influence officials and decision-makers.

“My report also revealed some agencies routinely send departmental OIA responses to ministers up to five days before it goes to the requester, even if it is just as a heads up. This not only takes time but can also lead to suspicion of political interference. This, in turn, can undermine public trust and confidence in government.”

Mr Boshier says he has chosen to conduct this targeted investigation to determine whether there is substance to the media’s perceptions and, if so, why these practices and behaviours are occurring. Adherence to the letter and spirit of the OIA is especially important in an election year to ensure an informed electorate.

“If there is any ministerial interference, gaming or unnecessary consultations or sign-offs taking place, especially for what could be described as high risk or sensitive requests, this needs to be stopped. The public has a right to be informed and not kept in the dark until the last minute especially in an election year.

“I will also look at other reasons for delay – including agencies seeking extensions before providing their responses and transferring requests to other departments.”

Mr Boshier says agencies have a number of grounds to refuse a request under the OIA including that the information will soon be publicly available.

“I also want to check that any plans for proactive release aren’t being used unreasonably to decline or delay requests. Both journalists and politicians are complaining they are waiting months for the agencies to finally get around to releasing the information and then they’re quietly putting it up on their websites without informing the original requesters.

“Finally, I’ll be looking at how urgent requests are treated, the involvement of agencies’ media teams, and agencies’ leadership and culture, decision-making and record-keeping.”

The seven agencies have a mix of functions representing a cross section of the public sector:

- Te Whatu Ora | Health New Zealand
- Pharmaceutical Management Agency | Te Pātaka Whaioranga (Pharmac)
- Kainga Ora | Homes and Communities
- Department of Internal Affairs | Te Tari Taiwhenua (DIA)
- The Treasury | Te Tai Ōhanga
- Department of the Prime Minister and Cabinet | Te Tari O Te Pirimia Me Te Komiti Matua
- Transpower.

Mr Boshier says he wants to hear from former and current public servants as well as from requesters if they have information that may help his investigation.

You can find more information here: <https://www.surveymonkey.com/r/PFVX76T>

The Chief Ombudsman hopes to complete his investigation by the end of next year.

Ends