



## OIA STATISTICS July to December 2022- Frequently asked questions

### Question 7: The number of OIA requests completed by your agency

**FAQ 1 Do we include all OIA requests our agency received during the six month reporting period?**

No. This question requests data on the number of OIA responses that were **completed** by your agency during the collection period (currently every six months). Note that this differs from the Select Committee question relating to the number of OIA requests.

**FAQ 2 What is meant by completed?**

Completed in the data means no further actions are required by the agency under the OIA (other than responding to any potential complaint to the Ombudsman). Completed requests include those transferred in full to another agency or office and those that were refused. It excludes requests that were withdrawn (see below).

**FAQ 3 Do we include OIA requests that have been received and responded to by our responsible Minister where information has been sought from our agency?**

No. The statistics collected only relate to requests received by and responded to by the agency.

**FAQ 4 Do we include OIA requests that were received and then withdrawn during the period?**

No.

**FAQ 5 Do we count OIA requests that our agency transferred to another agency or office for response?**

OIA requests that are transferred in full to another agency or office for response are counted if the transfer is completed during the period.

Where an OIA request is transferred in part to another agency, the receiving agency counts their part as a new OIA request, and the transferring agency counts the remaining part as an OIA request.

**FAQ 6 Do we include responses to media queries as completed OIA requests?**

Our expectation is a request should be logged and counted in your agency's statistics when "[it requires considered application of the provisions of the Official Information Act 1982](#)".

If a media query fits this description i.e. it requires considered application of the provisions of the OIA, then it should be included. Not all media queries will be of this type, for example, where a media representative is seeking comment rather than information from the agency. Agencies should still be keeping their own record of those requests and decisions related to them. See also the Ombudsman's [Requesting official information - a brief guide for media](#).

Our aim is to ensure a fair and comparable view across agencies, particularly with respect to compliance with the OIA, so the definition needs to be carefully applied.

## Question 8: The number of OIA requests not completed within the legislated timeframe by your agency (recognising the legislated timeframe can include extensions)

### FAQ 7 **What date should we be using as the first day of the 20 working day time limit to respond to an OIA request?**

The working day count starts the day after a request is received by an agency. The Office of the Ombudsman has a [calculator](#) to help you work out when the 20 working day count ends. The Office of the Ombudsman has [useful guidance](#) on determining the date received in relation to online requests, including via social media and [www.fyi.org.nz](http://www.fyi.org.nz).

### FAQ 8 **What does “not completed within the legislated timeframe” mean?**

A response is counted as not meeting legislated timeframes when the decision on the request is communicated outside the maximum 20 working days or the specified period of extension.

### FAQ 9 **If we need to clarify the OIA request before we can respond to it, do we still need to complete it within 20 working days?**

If a request is amended or clarified after the date it is received, it may be treated as a new request and the time limit for the response refreshed. However, this does not apply if your agency seeks the amendment or clarification more than 7 working days after receiving the original request. (See section [15\(1AA\)](#) and [15\(1AB\)](#) of the OIA).

## Question 9: The number of responses to OIA requests that were published on your agency’s website

### FAQ 10 **Do we count OIA responses where the information requested is going to be proactively released on the agency website?**

No. This question only counts responses to OIA requests that were published on your agency’s website.

## Question 10: Number of OIA requests completed that were subject to an extension

### FAQ 11 **If a request is extended more than once, do we count each extension?**

No. This question counts requests that have been extended, regardless of whether they are extended more than once.

### FAQ 12 **Do we count OIA responses where the extended timeframe was not met?**

Yes. Please include these requests.

## Question 11: The number of OIA requests that were transferred in full

### FAQ 13 **Do we count OIA responses where the request was only partially transferred?**

See FAQ 5. Where an OIA request is transferred in part to another agency, the receiving agency counts their part as a new OIA request, and the transferring agency counts the remaining part as an OIA request.

Only count requests here where there are no parts of the request remaining with your agency.

## Questions 12-21: The number of OIA requests that were refused in full; comment on refusals and/or breakdown where available

### FAQ 14 **Refusals are covered by section 18 of the OIA. Do we count requests where no information was released for reasons described in sections 6, 7, 9 or 10?**

Yes. Where information is withheld in full under sections 6, 7 or 9 of the OIA, that should be counted, as it is deemed a refusal under 18(a). Where information is withheld in full under section 10 of the OIA, that should be counted, as it is deemed as a refusal under 18(b).

### FAQ 15 **Can we provide information on different types of refusals? (A refusal under section 18(d) “is or will soon be publicly available” or 18(e) “does not exist or... cannot be found” is very different to a refusal under 18(f) “substantial collation or research”.)**

A free text field has been provided for comment on this response. New questions have been added where you can provide a specific breakdown of how many requests were refused under particular sections of the OIA.

## Question 22: Average number of working days to respond

### FAQ 16 **How do you define average?**

In mathematical terms we are referring to the “mean”. This is calculated by taking the number of working days each request took and averaging it across all requests. Effectively you will be adding the total number of working days to respond to all completed requests, divided by the number of requests completed.

The number of working days for each request should be calculated using the date of the request (or date of the clarified request if 15(1AA) used) and the date the decision is notified. Remember the working day count starts the day after a request is received by an agency, or clarified under 15(1AA) (see FAQ7).

### FAQ 17 **Why have you requested the answer to at least 1 decimal place?**

We intend to use this data to calculate the average number of working days taken across the system (and smaller cohorts), and rounding has the potential to distort this measure up or down. The more accurate the data we receive, the more accurate any subsequent calculations will be, and the more accurate the trends identified over time.

### FAQ18 **Are extended requests to be included?**

Yes. This measure is across all requests completed during the reporting period, including those that were extended. If a request is answered prior to the new extended date, the date of completion is the date you should use for the calculation. For example, is a request is extended by 10 days, but answered on day 28, you would use 28 days rather than 30 days for the calculation.

## Question 23: Median number of working days to respond

### FAQ 19 **How do you define median?**

Sorting your requests by the number of days taken to complete, shortest to longest. The median is the middle number in the sequence. In other words, half of the requests took more than this number of days, and half of the requests took less than this number of days. If your agency completed an odd number of requests, the median value is the

number that is in the middle, with the same number of requests below and above. If an even number of requests were completed, the middle pair should be added together, and divided by two to find the median.

**FAQ 20 Are extended requests to be included?**

Yes. This measure is across all requests completed during the reporting period, including those that were extended.

**Question 24: The number of OIA complaints that were notified by the Ombudsman to your agency**

**FAQ 21 What should we be counting as a “notified” complaint?**

Complaints notified by the Ombudsman are written notifications of formal investigations, even if the complaint is subsequently withdrawn or the findings are in favour of the agency.

You do not need to include counts of informal approaches or preliminary enquiries by the Ombudsman regarding particular requests that may be resolved without the need for a formal investigation.

**FAQ 22 Why doesn't our agency's record of the number of notified OIA complaints match the data produced by the Office of the Ombudsman?**

There may be a number of reasons why the two sets of data may not match. For example:

- Not all complaints received by the Ombudsman are notified to the agency. The data prepared by the Office of the Ombudsman may include some complaints that the agency was not aware of. For example, if the complaint was outside the Ombudsman's jurisdiction or was withdrawn before the Ombudsman took any substantive action.
- The Office of the Ombudsman's data individually counts each decision or omission raised in a complaint. For example, a complaint may include a concern about a delay and another about refusal. These are counted as two separate grounds for complaint and are recorded in the Office of the Ombudsman's data accordingly.

You should also check that:

- the complaints you have recorded are in the correct reporting period.
- complaints are made under the OIA not the Ombudsmen Act 1975, as certain matters such as a decision to transfer an OIA request may be considered under the Ombudsmen Act.

**Question 25: The number of OIA final opinions (views) that were formed by the Ombudsman against your agency where the agency was found deficient (including those received during the period that relate to requests from previous periods)**

**FAQ 23 What should we be counting as OIA final opinions (views) formed against the agency?**

Final opinions against the agency count only those cases where the Ombudsman completes a formal investigation and reports that the agency was deficient in its handling of an OIA request. Final opinions can contain the outcomes of multiple grounds for complaint and each one is separately recorded in the Office of the Ombudsman's complaints data, and should be reported individually in your agency's reported statistics (i.e. on each complaint ground where a deficiency was found, as opposed to each case).