



# Selection and Reporting of Official Information Act Statistics

## AGENCY GUIDANCE

Under our commitment to Open Government, the Government has committed to publishing OIA statistics and developing a suite of consistent measures about OIA performance.

This guidance is to assist agencies when developing internal policies and practices in relation to selecting, monitoring and reporting OIA statistics, with a view to ensuring consistency between agencies and over time.

On 31 January 2017, the State Services Commission (SSC) published the first-ever State services-wide set of OIA statistics covering 110 agencies. This included all departments and statutory Crown Entities subject to the OIA. This first set of data covered the 2015/16 financial year and reported the number of logged OIA requests along with the number and proportion handled within the legislated timeframe.

The second set of statistics were published on 5 September 2017 and covered the 2016/17 financial year. This report included OIA volume, timeliness, number of requests published on agency websites and complaints.

The SSC intends to continue to publish statistics on a six monthly basis. The scope (range of reported statistics) and reach (number of agencies included) may expand over time.

This guidance is in three parts:

**Part one — Publishing OIA statistics on agency websites:** outlines the State Services Commissioner's expectations of agencies when it comes to self-publishing OIA statistics.

**Part two — Logging OIA requests:** provides guidance and background on which OIA requests are to be logged for the purposes of performance monitoring and reporting.

**Part three — Selecting OIA statistics:** suggests a range of OIA statistics agencies can consider for performance monitoring and reporting, both internally and publicly.

# PART ONE: PUBLISHING OIA STATISTICS ON AGENCY WEBSITES

## Agency reporting

Agencies vary significantly in their size, complexity, stakeholders and core activities. There is also wide variation in the capability of the information systems agencies use to log OIA requests, capture and report OIA statistics.

For these reasons, the SSC is currently limiting centrally published agency statistics to:

- Number of requests that were completed.
- Number of OIA requests the agency was unable to complete within the legislated timeframe (recognising the legislated timeframe can include extensions).
- Number of responses to OIA requests that were published on the agency's website.
- Number of complaints to the Ombudsman that were notified to the agency.
- Number of OIA final views formed by the Ombudsman against the agency.<sup>1</sup>

Agencies are expected to publish these OIA statistics on their websites. The aim is to improve transparency and confidence in the openness of government.

The frequency of reporting is to be determined by agencies depending on the volume of requests handled. A minimum frequency of six months is recommended, to coincide with reporting by the SSC. Those agencies with a larger volume of requests are encouraged to publish more frequently than those with fewer.

Agencies are encouraged to consider which additional statistics would be of most value for the agency to collect, monitor and report; internally and publicly. Options are discussed in Part 3: Selecting OIA statistics.

In particular, agencies are encouraged to consider the value of collecting and regularly reporting at least the following additional statistics:

- the number of requests received;
- the number of requests transferred in full;
- the number of requests withdrawn;
- the number of requests refused;
- the number of requests granted in part;
- the number of requests granted in full;
- time taken from receipt of request to despatch of the official information or decision to refuse;
- time taken from receipt to transfer.

The first of these provides a measure of current workload.

The next five can provide insight into the range of outcomes experienced by requesters as their requests are finalised.

The last two provide details of the time taken to process requests.

Agencies are also encouraged to provide commentary on their web-published OIA statistics.

Agency commentary can provide richer context for the agency than centrally reported statistics can. Commentary could include:

- events and circumstances that explain variation in statistics over time;
- explanation of patterns in the statistics, such as the proportion of requests refused or transferred;

<sup>1</sup> The Ombudsman concluded that the complaint (or any part of the complaint) was sustained, i.e. the Ombudsman found in favour of the requester and against the agency. This includes all final views, including cases where the Ombudsman has issued a final view in relation to delay deemed refusal.

- discussion of differences in categories of requests and the impact on the agency's performance (See Part 3);
- estimates of the volume of requests for official information that are not logged and reported, the types of requests and the reasons for not logging them. (This can enhance understanding of the total number of requests for official information handled by the agency, not just the volumes reported for performance purposes. See Part 2.)

## PART TWO: LOGGING OIA REQUESTS

Central reporting of OIA statistics has highlighted the potential for variation across agencies regarding the requests for official information that are formally logged as OIA requests.

This guidance aims to promote consistency across agencies by recommending which requests for official information are to be logged, tracked and reported upon. This can enhance comparability of OIA statistics between agencies and over time.

### Underpinning principle

Variation in agency size, complexity, work-flows, OIA request types and demand prevent development of precise criteria for specifying which OIA requests are to be logged for the purposes of monitoring and performance reporting.

The underpinning principle for deciding which requests should be logged is:

**A request for official information will be logged when it requires considered application of the provisions of the Official Information Act 1982.**

For the purposes of performance monitoring and reporting, it may not be appropriate to log routine or straightforward requests that can be met immediately or without need for considered application of the Act.

Which requests are not logged will vary depending on the specific context of each agency, but could include:

- not logging requests for publicly available information;
- not logging requests where the information is provided immediately and in full.

Logged requests can include those where:

- the request is for information that may need to be withheld, in whole or part;
- the request is for a large volume of information that needs to be read and reviewed before a decision on release can be made;
- consultation (internal, with other agencies, or with affected third parties) is likely to be required before a decision on release can be made;
- the request could impact on the interests of a Minister or Ministers, who may need to be consulted or made aware of the decision that is taken.

Each agency is to decide which requests require considered application of the provisions of the Act and are to be logged to enact this principle.

## Different purposes for OIA statistics

This section provides background and context regarding the logging of OIA requests for the purposes of performance monitoring and reporting.

OIA statistics can be collected for two purposes.

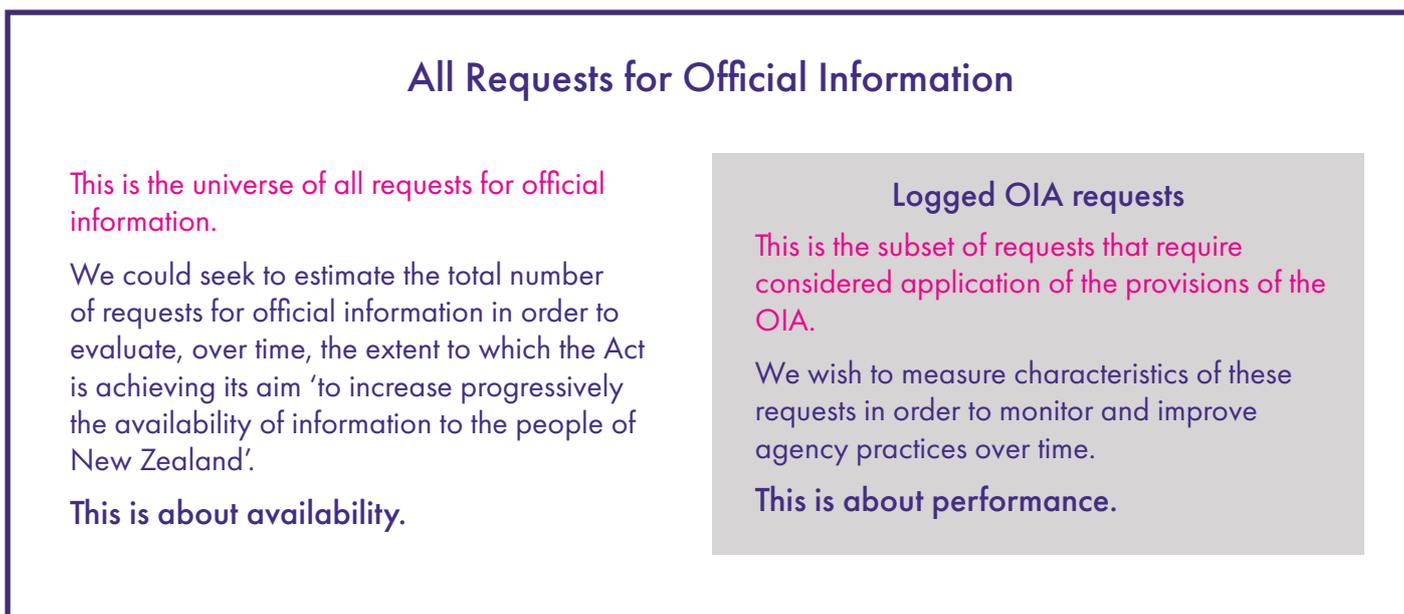
1. The OIA aims 'to increase progressively the availability of official information to the people of New Zealand' (section 4(a)), with caveats regarding preservation of personal privacy and protection of public interest (section 4(c)). This calls for statistics regarding **availability** of official information.
2. Commitment 2 of the Open Government Partnership New Zealand National Action Plan 2016-18 calls for 'a suite of consistent measures about OIA performance', in the context of 'We will improve government agency practices around requests for official information'. This calls for statistics regarding **performance**, with a view to improving agency practices.

Monitoring availability requires that statistics relating to access to official information should be as comprehensive as possible: striving to capture all requests for official information. This is necessary if increases in availability of official information are to be monitored over time.

Monitoring performance calls for a suite of statistics that can be used to guide and monitor improvement in practices over time. For this purpose, it is not necessary to capture all requests, but to focus attention on those requests that are most likely to reflect agencies' performance in administering the provisions of the Act.

The relationship between these two sets of data is illustrated in Figure 1.

Figure 1: Logged OIA requests as a subset of all requests



In practice, performance statistics are collated from agency logs of OIA requests. This is why this guidance recommends which requests should be logged, with a view to achieving consistent and comparable OIA statistics across agencies and over time.

As noted in Part 1, among other things, agencies are encouraged to self-publish estimates of the volume of requests for official information that are not logged. This can allow estimation of the total number of requests handled by the agency, thus providing insight into the availability of official information and how this is changing over time.

# PART THREE: STATISTICS FOR PERFORMANCE MONITORING

## A range of possible statistics

What follows is a discussion of a wide range of statistics an agency could collect regarding their OIA system. It is a starting point to encourage each agency to:

- reflect upon its OIA handling as a system: its characteristics and behaviour as well as performance;
- consider the requesters' experience of that system;
- extend the range of OIA statistics monitored by the agency beyond those related to compliance with the Act and those reported centrally by SSC.

With these factors in mind, agencies are encouraged to determine which statistics will be of most benefit for them to collect and monitor.

## Information flows

Upon receipt, a request (which may be considered urgent by the requester) enters the agency OIA system. There are only five ways a request can be finalised and leave that system – the request is either: withdrawn; transferred in full to another department, office or agency; granted in full; granted in part; or refused.

While a request is under consideration by an agency, in addition to internal consultation, it may be subject to consultation with: the requester, which can result in amendment or clarification; a Minister; another department, agency or third party.

Agencies may, under defined circumstances, choose to extend the time limits associated with provision of a decision. Similarly, agencies may choose to charge for supply of the official information.

Finally, once a decision has been reached regarding provision of the requested information, this may be notified to a Minister, and the response may ultimately be published on the agency website.

This view of an agency OIA system suggests that over any given period of time, an agency could count the number of requests subject to each of these actions, namely the number of requests:

- received;
- requesting urgent attention;
- amended or clarified (within or outside the legislated seven day time frame);
- transferred in full;
- transferred in part;
- consulted another agency or 3rd party;
- consulted Minister;
- charged;
- extended;
- withdrawn;
- refused;
- granted in part;
- granted in full;
- notified to Minister;
- response published on the agency website.

## Timeliness

A second group of statistics relate to timeliness of the agency's responses.

From a compliance perspective, over any given period of time, an agency could count the number of requests where:

- the statutory or extended time-frame to reach a decision on the request was met or not met;
- the statutory time-frame to transfer a request was met or not met;
- the statutory time-frame to notify an extension was met or not met;
- the statutory time-frame to seek amendment or clarification was met or not met.

At a more sophisticated level, an agency could measure the elapsed time, in working days (as defined by the Act) for various steps through the process. Such statistics can provide a more comprehensive picture of the distribution of elapsed time through various steps in the process. For example, agencies could measure:

- time taken from receipt of request to despatch of the official information;
- time taken from receipt of request to decision regarding release of information;
- time from receipt to transfer;
- time from receipt to seeking clarification;
- time from receipt to notification of extension;
- duration of extension;
- time for agency or third party response;
- time for Minister response;
- time from decision to release of information.

## Costs

A third group of statistics relate to resources and costs. Agencies could measure:

- charges (\$) collected;
- cost (labour and materials) of providing the response.

## Perceptions

A fourth group relates to perceptions:

- requester perceptions of their experience;
- staff perceptions of their experience.

## Complaints

The final group relates to complaints. Statistics could include the number of complaints:

- received by the agency;
- notified as having been submitted to an Ombudsman;
- for which the Ombudsman expressed a provisional view against the agency;
- for which the Ombudsman recorded a final view and made a recommendation against the agency.

## Timing issues

For any given period (year, quarter, month, etc.) the number of requests for official information that were received during the period can be counted and reported.

During the period, a number of these requests will be finalised. Others, particularly those arriving later in the period, will be incomplete at the end of the period. These will be carried forward for completion in subsequent period(s). Similarly, a number of requests from previous period(s) will be finalised during the current period. Thus, the total number of requests that are finalised during any given period can also be counted and reported.

Reporting on requests finalised during each period is preferred for the following reasons.

1. Every request will ultimately be counted regardless of whether it is counted upon receipt or upon finalisation.
2. When a request is finalised, all details regarding the processing of the request by the agency are known and can be reported in full: which actions it was subject to, the timeliness, etc.

## Classification of requests

Agencies are encouraged to consider whether classification of requests might provide useful insights into the behaviour of their OIA system.

If requests are classified, agencies can examine their OIA statistics for each category, which can allow patterns to be seen in the data that may otherwise be hidden. This potential insight has to be weighed against the effort and cost associated with collection and analysis of the data.

There are several ways requests might be usefully classified to enable more detailed analysis of OIA performance. These include (but are not limited to): channel, gateway and requester category. Each of these is described below.

Channel: by what method was the request submitted?

- Search of website;
- Phone call;
- Email;
- fyi.org.nz;
- Post;
- In person;
- Etc.

Gateway: what was the entry point for the request?

- Website form;
- Media unit;
- OIA unit;
- General enquiries;
- Etc.

Requester category: which category of person made the request?

- Individual citizen;
- Corporation;
- Media/Journalist;
- Member of Parliament;
- Political research unit;
- Interest group;
- Etc.