



# Extensions and the Official Information Act — Section 15A

## PRACTITIONER GUIDANCE

In certain circumstances the OIA allows agencies to extend the time limits for making decisions on requests. Extending the time limits to make a decision on a request is one of the tools for managing organisational pressures associated with OIA requests.

This guidance is intended to provide a useful starting point for agencies to determine how to use the extension provision in [section 15A](#) of the OIA.

## WHICH TIME LIMITS CAN YOU EXTEND?

Section 15A allows you to extend:

- The time limits for making and communicating a decision to a requester; and
- The time limits to transfer a request to another agency.

You must advise the requester of your decision to extend the time limits within 20 working days after the day on which your agency first received the request. An extension is not valid if you do not give the requester notice within this time period.

## WHEN CAN YOU EXTEND?

You can extend the time limits on a request if:

- The request is for a large quantity of information and the agency can't make a decision within the 20 working day time limit without this unreasonably interfering with the operations of the agency.
- The request requires a search through a large quantity of information and the agency can't complete the search within the 20 working day time limit without this unreasonably interfering with the operations of the agency.
- The agency is considering transferring a request and is consulting with other agencies about this and can't complete this within the ten working day time limit in section 14 of the OIA.
- The agency is consulting in order to make a decision on the request and can't reasonably complete this within the 20 working day time limit.

## HOW LONG TO EXTEND FOR?

Extensions must be for a reasonable period of time. 'A 'reasonable period of time' is not defined in the OIA - what amounts to a reasonable period of time for an extension will depend on the circumstances of each request.

Before you write to the requester work out what actions you need on the request and how long each action may take, taking into account other work, including non-OIA work. Be realistic about how long you will need to complete actions on the request. If you can respond to the requester before the time period of the extension is up you must do so, as you still have the obligation to respond 'as soon as reasonably practicable' in [section 15](#).

It is good practice to record the reasons for an extension in case the requester asks an Ombudsman to review your decision to extend.

## INFORM THE REQUESTER

When you extend a time limit, you must advise the requester in writing:

- that you have decided to extend the time limit;
- how long the extension is for;
- the reasons for the extension; and
- that the requester has a right to complain to an Ombudsman about the extension decision.

When giving the period of the extension it can help to specify a date as well as the number of working days, in order to avoid confusion about when a response can be expected.

## MULTIPLE EXTENSIONS

You can extend the time limits for a request more than once, providing all extensions are made within the original 20 working day time period after receiving the request (see [section 15A\(3\)](#)).

For example, if you notify a requester of a one week extension, and then later realise that a two week extension is actually necessary because you have identified more information within the scope of the request, you could notify a second extension as long as the original 20 working day time period has not yet passed.

Multiple extensions can annoy requesters, and may create a bad impression about the agency. However, it is better to extend a time limit again if you do need more time to make a decision, than run the risk of breaching the time limits.

## EXTENDING THE TIME LIMITS FOR TRANSFERRING A REQUEST

[Section 14](#) of the OIA specifies that a transfer must be made promptly and no later than ten working days after the date on which the request is received by an agency.

[Section 15A](#) allows you to transfer a request outside the ten working day limit, if you make a valid extension within 20 working days of the original request. This means the original agency can extend the time limit to either allow consultation to occur or to undertake a search of the records.

## FAILURE TO MEET THE TIME LIMITS

A failure to comply with a time limit may be the subject of a complaint to an Ombudsman.

If it looks like it will not be possible to meet either the original or an extended maximum time limit, you should consider contacting the requester to let them know what is happening to their request and the reasons for the delay. Requesters always appreciate being kept informed of the progress of their request, and may be more understanding if the agency ends up in breach of the time limits.

Another option is a staged reply. If most of the decision on a request is straightforward and ready to go, there is often no need to hold that up in order to deal with a few remaining issues. Remember that the OIA requires you to make a decision and communicate it to the requester within the time limits – you are able to provide the information to them at a later date if the information is released without undue delay.