



4 December 2023

Official Information Act request

Thank you for your email of 21 November 2023, requesting information about the Ministry of Social Development's management framework for complex or frequent requests.

I have considered your request under the Official Information Act 1982 (the Act). Please find my decision on each part of your request set out below.

How many people has MSD subjected to such a management framework since 2022.

I refer you to **Appendix One**, the *Ministry's Framework for Managing Complex and Frequent Official Information Requests* (the Framework). The Framework has been used to help manage requests from six people since 1 January 2020. Currently the framework is being used to help manage requests from one person.

The name and organisational affiliation of every person subjected to such a framework

I note your argument that there is a much lower privacy interest when people are making requests in a professional capacity and that organisations themselves have no privacy rights.

Of those managed using the Framework, only two people were affiliated with an organisation. As released in the Chief Ombudsman's opinion under the Ombudsmen Act 1975, one of these people was, at the time the Framework was applied, a National Party Advisor. This requestor was making requests on behalf of two Members of Parliament in his role as advisor, not as an individual, and therefore there is a privacy interest in their name. I have identified no countervailing public interest in releasing their name, particularly as the Chief Ombudsman did not name them in his published opinion.

The second requestor with an organisational affiliation made requests on behalf of several private companies who had engaged his accountancy services. Due to the complexity of the requests, most of which were made in a short space of time, the framework was used to help manage responses to those requests. I consider there to be a privacy interest in this individual's name.

I am refusing your request for the names of the six individuals who have been managed using the Framework, under section 9(2)(a) of the Act. This is necessary to protect the privacy of natural persons. The need to protect the privacy of these individuals outweighs any public interest in this information. I consider that any public interest in releasing this information is met through providing you with the explanation in this letter, and a copy of the framework (enclosed).

I will be publishing this decision letter, with your personal details deleted, on the Ministry's website in due course.

If you wish to discuss this response with us, please feel free to contact OIA_Requests@msd.govt.nz.

If you are not satisfied with my decision on your request, you have the right to seek an investigation and review by the Ombudsman. Information about how to make a complaint is available at www.ombudsman.parliament.nz or 0800 802 602.

Yours sincerely



Magnus O'Neill
General Manager
Ministerial and Executive Services

Memo



**MINISTRY OF SOCIAL
DEVELOPMENT**
TE MANATŪ WHAKAHIATO ORA

To: Official Information Team; Private Secretary MaES

From: Magnus O'Neill, General Manager Ministerial and Executive Services

Date: First version 24 March 2022; Second version 21 September 2023

Security level: Unclassified

Guidelines for managing complex or frequent official information requests

Background

1. We receive both complex and frequent requests for official information. Some of these requests require a significant investment of time and resource, which can unfairly limit the amount of time we have available to attend to other legitimate requests. To help manage these requests, and their impact, these guidelines explain how they can be identified and managed.

Principles

2. These guidelines must always follow the following principles:
 - a. The public has a right to request information from the Ministry, and to be given that information unless there is a valid reason not to.
 - b. All requests, and requestors, are to be treated with fairness and respect.
 - c. All requests are to be considered on their merits, and consistently with our obligations under the Official Information Act 1982 (the Act).

Guidelines

3. For the avoidance of any doubt, these guidelines do not restrict a person's ability to request information under the Act. They are a thinking tool to ensure that requests are managed fairly, and that all necessary steps are taken in deciding complex or frequent requests.
4. The following guidance is not exhaustive, and will not cover all possible scenarios, but can be followed where appropriate. If you are unsure whether a request should be managed in accordance with these guidelines, please discuss that with the team Manager or me.

Manaaki tangata, manaaki whānau

We help New Zealanders to be safe, strong and independent

Identifying

5. Requests may be considered complex where:
 - a. They are broad in scope. This may be indicated by the requestor asking for 'all information' or where the request covers a significant period or appears to overlap with other requests from the same requestor; or
 - b. They are unclear about what information is being requested; or
 - c. They have multiple limbs and questions, which may also include requests for us to explain or justify things.
6. Requests may be considered frequent where:
 - a. The requestor has repeatedly requested information about the same topic or issue; or
 - b. The requestor has made several requests, not necessarily about the same topic or issue, but in quick succession; or
 - c. The requestor has made a significant number of requests over time.

Managing

7. Once a request has been identified as being appropriate for management in accordance with these guidelines, the following steps should be considered:
 - a. A management plan will be considered at the weekly Monday triage meeting. That meeting will be chaired by the team Manager, and relevant team members will be present. A meeting minute will be kept (using the template in Appendix 1) which will record:
 - the decision taken;
 - the reasons for that decision;
 - the assigned advisor(s); and
 - the time available for managing the request(s), after which, discussion with the manager, and other procedural steps may be considered.¹
 - b. Once a decision has been made, requests will be held by the OIA inbox advisor, and assessed at the weekly triage meeting.
 - c. Any request where urgency is requested, must be considered and communicated back to the requestor as soon as reasonably practicable. The request should then be treated accordingly.
 - d. Where the requests appear complex, that is, too broad or unclear or appears to overlap with other requests made, the advisor will seek amendment or clarification from the requestor. Any amendment or clarification may then be treated as a new request (section 15(1AA) of the Act refers).
 - e. In seeking amendment or clarification, the advisor may ask the requestor to do one or more of the following:
 - specify the precise information they are interested in (that is, the actual issue or detail that they are after);
 - refine the date ranges which the information covers; or
 - specify documents (sections 12, 13 and 18B of the Act refer).

¹ In considering the time available for managing the request(s), factors include the number of requests which an advisor is expected to manage at any given time (10-15); the proportion these request(s) represent against the total number of requests on hand; and any other reasonably relevant workload factors.

- f. Where the requestor does not respond to a request for amendment or clarification, we will decide the original request. In those situations, the advisor should consider whether collating and researching the information requested would have a significant and unreasonable impact on our ability to carry out other operations. Where it appears that this may be the case, before refusing the request under section 18(f) of the Act, the advisor should consider whether fixing a charge or extending the time limit would enable the request to be granted (section 18A of the Act refers).
- g. Should the work required to manage the request exceed the time available, the advisor may ask the requestor to prioritise their requests or parts of their request. The advisor should then prioritise making and communicating a decision on those requests which the requester indicates are most important to them.
- h. For those requests which cannot be addressed within the time available, the advisor should consider extending the timeframe for responding or fixing a charge. They should also look at other options for responding to requests which are more administratively efficient, such as:
 - providing a written summary or excerpt; or
 - making a time to speak with the requestor to furnish oral information about the content (section 16 of the Act refers).

As these guidelines simply follow the steps available to us under the Act, coupled with focussed case management, we will not normally need to advise requestors that we are managing their requests in this way.

However, there may be situations where advising them would be appropriate and help us manage a difficult situation. For example, where frequent requests become unmanageable or unreasonable. Similarly, consideration should be given to advising requestors when their requests are no longer being managed in accordance with the guidelines. This will be considered at the weekly triage meeting.

Where a requestor, whose requests we are managing in line with these guidelines, asks for information about how we are managing their requests, then a copy of this memorandum and relevant decision record should be made available to them.

Appendix 1: Weekly Triage Meeting: complex or frequent official information requests

Meeting Date	Requester Name	Request ID	Reasons for management plan	Advisor(s)	Time available	Advice letter required?
			Complex/Frequent [details]			Yes/No

RELEASED UNDER THE OFFICIAL INFORMATION ACT

Appendix 2: Overview of guideline steps and legal obligations

Guideline step	How does this complement, and ensure we carry out, our obligations under the Act?
<p>Management plan with dedicated advisors and time</p>	<p>Having dedicated advisors allows us to allocate frequent or complex requests to staff who are familiar with the content of past requests. In turn this means that duplications and previously released information can be identified and managed more promptly. Refinements and clarifications can be promptly sought.</p> <p>This supports the Ministry's obligations to provide reasonable assistance; and make and communicate a decision as soon as reasonably practicable (sections 13 and 15(1) of the Act refer).</p> <p>Having allocated time for managing the requests ensures that staff can plan their time, and reasonably estimate the period by which time limits should be extended when needed. It also ensures that requests are progressed regularly each week; and that staff talk to their manager where they do not have enough time to attend to all their work. Those situations can then be managed, thereby mitigating any adverse flow-on effects to other requests.</p> <p>Allocated time is based on typical caseloads of 10-15 requests (depending on complexity), for one full time equivalent advisor. Overall Ministry FTE resource is based on annual volumes.</p> <p>Identifying available resource (allocated time), and the implications of managing the request, is recommended by the Ombudsman guide for Ministers and agencies to processing official information requests:</p> <ul style="list-style-type: none"> • In managing a broad request, the Ombudsman recommends contacting the requester to explain the problem, including how much information their request covers as currently phrased, the nature of the resources available to complete the task, and the implications of managing the request on the operations of the Ministry.²
<p>Weekly assessment</p>	<p>Assessing the requests weekly ensures that the dedicated advisors can identify duplications or overlaps in the requests and respond efficiently. It also allows an opportunity for consistent management guidance so that decisions are made in accordance with the Act (that all necessary steps are taken). This supports the Ministry's obligations to make and communicate a decision as soon as reasonably practicable, among other things (section 15(1) of the Act refers).</p> <p>Any request for urgency is considered on receipt (section 12(3) of the Act refers).</p>
<p>Seek amendment or clarification</p>	<p>This step is required by the following provisions of the Act:</p> <ul style="list-style-type: none"> • Section 12(2) requires the request to be made with due particularity;

² [The OIA for agencies August 2019 \(1\).pdf \(ombudsman.parliament.nz\)](#) at pp40.

	<ul style="list-style-type: none"> • Section 13 requires the Ministry to provide reasonable assistance; and • Section 18B requires the Ministry to consider consulting if the request is likely to be refused under section 18(e) or (f). <p>This step is recommended by the Ombudsman guide for Ministers and agencies to processing official information requests:</p> <ul style="list-style-type: none"> • In managing a broad request (and impliedly in managing multiple requests from the same requestor where section 18(f) is being considered) the Ombudsman recommends inviting the requestor to reconsider or refine their request.³
Consider fixing a charge or extending the time limit	<p>This step is required by section 18A of the Act which requires the Ministry to consider fixing a charge or extending the time limit in deciding whether to refuse a request under section 18(f).</p> <p>This step is recommended by the Ombudsman guide for Ministers and agencies to processing official information requests:</p> <ul style="list-style-type: none"> • In managing a broad request or multiple requests from the same requestor the Ombudsman recommends considering charging for the supply of information or extending the time limit for making a decision.⁴
Seek prioritisation	<p>This step is recommended by the Ombudsman guide for Ministers and agencies to processing official information requests:</p> <ul style="list-style-type: none"> • In managing a broad request, the Ombudsman recommends contacting the requester to explain the problem, including how much information their request covers as currently phrased, the nature of the resources available to complete the task, and the implications of managing the request on the operations of the Ministry. • In managing multiple requests from the same requestor, the Ombudsman recommends inviting the requester to prioritise the order in which they would prefer the requests to be answered.⁵
Consider release in other ways	<p>This step is permitted by section 16 of the Act which enables the Ministry to make information available in other ways including the provision of an excerpt or summary or furnishing oral information about its contents.</p>

³ [The OIA for agencies August 2019 \(1\).pdf \(ombudsman.parliament.nz\)](#) at pp40

⁴ [The OIA for agencies August 2019 \(1\).pdf \(ombudsman.parliament.nz\)](#) at pp41

⁵ [The OIA for agencies August 2019 \(1\).pdf \(ombudsman.parliament.nz\)](#) at pp25 and 41.