

Releasing information under the Official Information Act or Privacy Act

Everyone has the right to access information – information about themselves, and official information. Here are some FAQs covering the basics of responding to requests for information under the Official Information Act 1982 and the Privacy Act 2020.

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Who can help me with requests?

As soon as you receive an Official Information Act 1982 (OIA) or Privacy Act 2020 request, talk to your manager about how to handle it.

Depending on whether the request is made under the OIA (an OIA request) or the Privacy Act, different teams will be able to assist you.

All **Official Information Act (OIA)** requests are handled at National Office by the [Ministerial and Executive Services](#) (MaES) team, and because we only have a limited time to respond to them, they must be sent straight to: OIA_requests@msd.govt.nz

Privacy Act requests are usually handled by frontline staff directly, but the Information Privacy and Sharing team is available to provide advice when help is needed: privacyofficer@msd.govt.nz

If you're unsure about whether a request for information has been made under the Official Information Act or the Privacy Act, contact the [Privacy team](#) for guidance in the first instance.

What's the difference between an Official Information Act (OIA) request and a Privacy Act request?

An **OIA** request is when someone asks for information about:

- Government policy, Ministry operations, or a topic or issue of particular interest.
- Other people (not the person requesting the information).
- A provider or contractor who has received government funding to provide a service or advice to the Ministry or Minister.

Requests made under the OIA can be made to the Chief Executive or Minister of the Crown for a response, and the legislative timeframes for responding to OIAs mean they should be referred promptly to Ministerial and Executive Services (MaES).

A **Privacy Act** request is when someone asks:

- whether the Ministry has personal information about them, or
- for access to any personal information that we hold about them.

Sometimes, Privacy Act requests are made on someone's behalf by an authorised party (such as a lawyer, advocate, or family member).

People don't have to give us a reason for asking for access to their information. If it's about them they're entitled to get it, unless the law allows us to say no.

Requests under the Privacy Act can be made to any part of the business for response. The request does not have to be in writing, but it should be clear what the requester wants.

What is 'personal information'?

Personal information is any information about an individual that could be used to identify who they are, even if details like their name are not included.

It doesn't have to be sensitive or private – anything that can identify them is personal information. This includes opinions and facts, and it doesn't have to be correct.

A person doesn't need to be named for the information to be "personal information". If it tells us something about them, and our systems can link it back to them (that is, that it's possible to identify them) then it is personal information.

It only covers information about living human beings – information about deceased people or companies is not personal information.

[Find out more about personal information](#)

What must I do when I get a request?

Requesters don't always mention the Privacy Act or OIA when they ask for information and sometimes they get it wrong. It doesn't matter, it's up to us to know which law applies and how to deal with the request. Requests can easily be for information about the requester AND official information. If that's the case, you need to think about both Acts, and contact the MaES team or the Privacy team for assistance.

If it's an **OIA** request, send it straight to: OIA_requests@msd.govt.nz

If it's a **Privacy Act** request:

- Acknowledge the request, so the requester knows you've got it
- If necessary, check whether the requester is who they say they are by verifying their identity. If someone's asking for information on someone else's behalf, and they're not a lawyer, make sure that we have authority on file
- Tell the appropriate people (such as your manager) that the request has been received
- Note it in the calendar so it doesn't get forgotten – preferably a central calendar that other people can see if you're away
- Look at the scope of the request to understand exactly what is being asked for. Consider whether:
 - All of the information is about the person who is requesting the information.
 - Something specific has been requested.
- Talk to the requester if you're unsure what information they want – this will help to narrow the scope of the request, and make it clearer what information you have to find
- Pull together all of the information covered in the request – do this on a clear desk so that other information doesn't get mixed in
- Consider whether there is a good reason under the Privacy Act to withhold some or all of the information. If there is, make the appropriate redactions (you can ask the Privacy Team for assistance)
- We can't withhold the whole document if we can redact (ie black out) the information instead. If you need to redact, make sure you do it properly so the information can't be seen
- Check each page thoroughly for any information that you shouldn't be sending – make sure there isn't information about another client that has been included by mistake
- Before you send it to the requester, make a copy of the information that you're about to release – this is so that we can prove what was released if the Privacy Commissioner needs to know later
- Check that the address you are sending the information to is correct and that the information is being sent safely (ie if you are using a courier, the client has to show identification and sign for the delivery).
- Send the information to the requester, including a cover letter that sets out the withholding grounds, and tell them that they can complain to the Privacy Commissioner.

How long do I have to respond to a request?

Under the OIA and the Privacy Act, we are required to make a decision about whether to provide the information requested as soon as reasonably practicable.

The decision must be made within a maximum of 20 working days, unless there is a good reason to extend (eg if there's an unusually large amount of information involved) – so it's important to get onto the request quickly.

Send **OIA** requests straight to:

OIA_requests@msd.govt.nz

For a **Privacy Act** request, start collating the information straight away – and remember the [Privacy team](#) is always available to provide advice too.

If you think you might need more time, don't leave it until day 20 to request this. Contact the requester as soon as it becomes apparent you need more time, and let them know when they can expect to hear from you.

What if an OIA request isn't responded to within 20 working days?

How government agencies respond to requests for information under the OIA is monitored by the Office of the Ombudsman. A failure to comply with a time limit may be the subject of a complaint to the Ombudsman. Information on timeliness and the number of complaints received about government agencies is also published.

What if a Privacy Act request isn't responded to within 20 working days?

How agencies respond to Privacy Act requests is monitored by the Privacy Commissioner. People can complain to the Commissioner if we ignore or refuse their request, or if we delay too much in providing the information.

If we fail to provide people with information that they're entitled to get under the Privacy Act and if the matter ends up in front of the Human Rights Review Tribunal, we might also have to pay them compensation.

What if the Ministry doesn't hold the information that has been requested?

We can't provide information that we don't hold, so that's a good reason to refuse a request – we just have to let the requester know that we don't have it.

If we think the information is held by another agency, the request should be transferred to that agency and the requester advised that this is what we have done. Transfers have to occur within 10 working days of receiving the request.

What if the information we have has come from another agency?

It's really the other agency's decision whether to release the information rather than ours, because it's more closely connected with what they do than with what we do. Examples of this might include information that's been sent to us for consultation.

If we think the information requested has come to us from another agency, the request should be transferred to that agency and the requester advised that this is what we have done. Transfers have to occur within 10 working days of receiving the request.

What can I do to make it easier for others and ensure we get it right?

It isn't always easy to find the information that someone has requested, but with careful handling of our information we're better able to respond quickly, accurately and completely.

You can help yourself and others do this by:

- Saving and storing the right information in the right place
- Using our repositories and tools (e.g. EDRMS, TRIM, CYRAS) in the right way
- Being consistent in your practices when you're working with information

Release of staff names in Official Information Act requests

This guidance should be used by managers and staff, when a request for information under the Official Information Act (OIA) asks specifically for the release of staff names.

[Read the guidance for the release of staff names in OIA requests](#)

For further assistance feel free to:

- Contact the [Official and Parliamentary Information \(OPI\) team](#) for more detailed information about managing OIA requests, Parliamentary Questions (PQs) and Archives requests.
- Check out the Info Hub on Google for more about how to manage Ministry information using Ministry information systems, or email the Information Management team at infohelp@msd.govt.nz.
- Check out the Privacy pages in the [Info Hub](#) for more detailed privacy guidance, or contact the [Privacy team](#) for advice and support.

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Release of employee names in Official Information Act requests

Here you will find guidance for the release of an employee's name in Official Information Act requests (OIA) requests.

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Guidance: Official Information Act requests for the release of an employee's name

The [Ombudsman has published guidelines](#) around the release of public sector employee names under Official Information Act (OIA) requests. This guidance is for managers and employees where the information is in scope of the request includes MSD employee names and contact details contained in:

- emails
- correspondence
- documents.

The Ombudsman's general position is 'release unless', which means there's usually no basis for withholding an employee's name if what they do is part of their normal job as a public servant. However, withholding employee names may be justified in particular circumstances.

We will make sure that every decision taken in relation to the release of an employee name is carefully considered.

Assessing the release of names

Minimising harm and risk to our people is paramount. If an OIA contains an employee's name and contact details in scope of the request and either:

- the requestor has confirmed to Ministerial and Executive Services (MaES) that they want this information, or
- the requestor has not responded to confirm that they do not want the information,

then manager and named employee member will run through the [assessment form](#) and assess if there are any grounds to withhold.

An employee's name can be withheld for the following reasons:

- risk to employee safety
- improper pressure or harassment
- intrusion on the personal privacy of an employee.

An employee's mobile and DDI numbers will be withheld on the grounds of privacy and/or harassment. Any public interest considerations also need to be factored into the final recommendation to MaES on releasing an employee's name.

Where there are questions or concerns, or if a manager or employee are unsure about the approach, the MaES team is available to provide advice and support to ensure the best approach is taken.

Decision on release

If it is found that there are no good reasons to withhold an employee's name, MaES will advise the manager.

If the decision is to withhold an employee's name, it will be appropriately redacted from material proposed for release. However, job titles will be released, as this piece of information is specific to the nature of the role as a public servant.

Q&As

Why are we making changes to how we respond to OIA requests involving the release of an employee's name?

The Ombudsman has recommended all government agencies release names of employees mentioned in OIA requests. The Ombudsman's general position is 'release unless'. This is in-line with the Ombudsman's desire to be transparent and demonstrate the accountability of public servants.

Does this mean my name could be released?

Yes. However, if there is reason that the release of your name will cause harm to you and your family, this is considered as this is a ground for withholding.

Your manager and you will discuss the request for the release of your name guided by our [Guide to applying withholding grounds](#). If there are not grounds for withholding, your name and email address will be released.

Who makes the decision whether my name is released or not?

Your manager and you will have a discussion and do the assessment together. The MaES team are, at any time, happy to help with the process and answer any questions. Final decisions will be made by MaES and communicated to your manager.

I believe having my name released may cause me and my family harm. It will make me feel anxious. Does this mean my name will still be released?

Your safety is a top priority for us. Minimizing any harm, or harassment intrusion of your privacy are grounds to withhold. You need to raise this with your manager when the request is discussed and follow the [Guide to applying withholding grounds](#).

What contact details are released?

Your name, job title and email address.

Will I be told about any request that I'm personally involved in?

Yes, your manager will let you know. Each request for names is individually assessed using the [Guide to applying withholding grounds](#) and the form. The assessment is done between you and your manager, with support from the MaES team.

Under what circumstances would you release my name in an OIA request?

The Ombudsman's general position is 'release unless' - which means there's usually no basis for withholding an employee's name if what you did was part of your normal job as a public servant. However, withholding an employee's name may be justified in particular circumstances. The [Guide to applying withholding grounds](#) will assist you and your manager.

What if I don't want to have my name released?

If you have concerns about the release of your name, please raise this with your manager when they discuss the request with you. You and your manager can seek advice from MaES. These concerns will be taken into consideration when making the final decision.

Are any names released now?

Yes, but only General Managers/Tier 4 and above.

Job titles are also released, regardless of seniority.

Assessment and Guidance Form

This is the MSD assessment form and the “Guide to applying withholding grounds” for managers and employees to use when an (OIA) request asks for the release of an employee’s name.

[Download the assessment form and guide to applying withholding grounds](#) (Word 89.19KB)

Contact us

The MaES team are happy to help managers and employees with any questions about the process for managing the release of an employee name. Contact the team at OIA_Requests@msd.govt.nz

[More information about managing OIAs](#)

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