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### **Abstract**

New Zealand's Official Information Act 1982 (OIA) looks good on paper – but how is it working out in practice? This article summarises the author's examination of hundreds of OIA requests and responses, and his interviews with people who frequently make requests and officials who have to process them. The article begins with an outline of the content of the OIA. Frustrations reported by requesters and officials are then summarised. In the analysis of requests and responses, it is found that the bulk of requests are processed on time and met with minimal or no deletions. Much useful information is released. However, the author also finds considerable evidence of questionable practices by officials and Ministers, including delays, apparently improper invocation of exceptions, and failures to explicitly address public interest considerations and provide information to requesters about review rights. This article is a truncated version of a longer paper published by the New Zealand Centre for Public Law at Victoria University of Wellington (Occasional Paper 17, November 2005), available at

[http://www.law.vuw.ac.nz/vuw/content/display\\_content.cfm?school=law&id=470](http://www.law.vuw.ac.nz/vuw/content/display_content.cfm?school=law&id=470)

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## **Introduction**

Introducing New Zealand's Official Information Bill to Parliament in 1981, the Minister of Justice Jim McLay called it "one of the most significant constitutional innovations to be made since the establishment of the office of the Ombudsmen in the early 1960s." Its goals were lofty: to "increase progressively the availability of information" in order to promote democratic participation, political accountability and good government.

Yet to hear some of the criticisms of the Official Information Act (OIA) now, one could be forgiven for wondering whether it has been much of an improvement over the Official Secrets Act 1951, which made releasing official information an offence. "Ministers and officials developed ways of routinely subverting the provisions of the Official Information Act," researcher Nicky Hager has written (Hager, 2002). "It is ridiculously easy to circumvent the Act and to hide information from requesters and Ombudsmen alike," wrote former MP Michael Laws recently. "Of course, all potentially embarrassing information is routinely refused and time delays are simply *de rigueur*" (Laws, 2004). The Ombudsmen's office's annual reports have repeatedly chastised officials for their lack of understanding of the OIA and their tardy responses to requests. The office's new OIA practice guidelines contain a damning list of 57 "misconceptions" about the OIA that persist more than 20 years after its enactment.

A senior public sector official told a researcher that "...the Minister prefers to withhold information except where unavoidable. Information is seen as creating problems not opportunities" (Poot, 1997). Several people have charted methods employed by recalcitrant officials and Ministers to circumvent the Act – providing oral instead of written advice; "sitting on" requests instead of responding to them; providing

spurious reasons for refusing information; even doctoring and shredding official papers (Poot, 1997; Voyce, 1996; Hager, 2002; Harris 1993; du Fresne 1996).

Can things be this bad? It is difficult to tell. Most agencies do not keep statistics about OIA requests (Clemens, 2001). Using the OIA itself, this study sets out to address that gap. OIA requests were sent to 136 agencies that are subject to the OIA - comprising all government departments, all state-owned enterprises, and all national-level Crown entities subject to the OIA - seeking copies of their most recent ten OIA requests and their responses. Data was extracted about who was making requests, how timely the responses were, which exceptions were being relied on, and so forth. All the requests and responses were examined to gain some impression about whether the exceptions were being properly invoked. Finally, two not-for-attribution roundtable discussions were held, first, with frequent OIA requesters (four journalists from New Zealand's leading newspapers, two researchers known for their use of the OIA, and a leading public relations practitioner); and secondly, with five officials who frequently have to process the requests (two from high-OIA volume government departments, two from government agencies that frequently offer advice to other government agencies on OIA requests, and one from a state-owned enterprise). Both groups were asked about their experiences with the OIA, and their views of its strengths and weaknesses.

The results of the roundtable discussions and the data analysis are summarised below, after a brief outline of the key features of the OIA.

## **OIA Basic Structure**

The OIA is designed, as its long title suggests, “to make official information more freely available.” It enshrines in law “the principle that [official] information shall be made available unless there is good reason for withholding it.” The Act’s reach is great. Official information is very broadly defined, and there are no classes of documents, such as Cabinet papers, that are outside the purview of the Act. Almost all government departments, Crown entities and state-owned enterprises are subject to the OIA.

Rights of access are granted to everyone in New Zealand, and New Zealanders overseas. Making a request under the Act is as easy as picking up a telephone (though requests must be specified with “due particularity”). Agencies must respond to requests “as soon as reasonably practicable, and in any case not later than 20 working days” after receiving the request. Agencies can transfer the request if the information is not held by them or is believed to be “more closely connected with the functions” of another agency. They can also grant themselves a time-extension if the volume of information to be searched is so huge that meeting the 20-working-day limit would unreasonably interfere with their operations, or where the need to consult about the request means it cannot reasonably be met in 20 working days. They can impose a “reasonable charge” for compiling the information.

Not all information needs to be released upon request. This is consistent with the third purpose of the Act: “[t]o protect official information to the extent consistent with the public interest and the preservation of personal privacy.” For instance,

requests can be refused for administrative reasons contained in section 18, the most important being that “the information requested cannot be made available without substantial collation or research.”

Officials can also withhold information if they can show that release would be likely to cause particular types of harm set out in the Act. Some types of harm (set out in sections 6 and 7) provide conclusive reasons for withholding information. These include the likelihood that release will “prejudice the security or defence of New Zealand or the international relations of the Government of New Zealand” or would “prejudice the maintenance of the law” or “endanger the safety of any person.”

Certain other types of harm, listed in section 9, provide prima facie reasons for withholding information. These prima facie reasons exist “if and only if” withholding the information is “necessary” to (among other things):

- protect the privacy of natural persons;
- avoid unreasonable commercial prejudice to particular parties;
- protect confidential information in certain circumstances;
- maintain effective government by protecting advice and opinions in certain circumstances;
- maintain legal professional privilege; or
- avoid harm to the government’s negotiations or commercial activities.

Many of these reasons revolve around the concept of “likely” prejudice. In *Police v Ombudsmen* (1988) the Court of Appeal held that this requires “a serious or real and substantial risk to a protected interest, a risk that might well eventuate.”

Nevertheless, agencies must release the information if these prima facie reasons are “outweighed by other considerations which render it desirable, in the public interest, to make that information available.” (The government can also release information at its discretion even if good reason to withhold it exists under the OIA. Withholding may be justified, but the OIA does not make it mandatory.)

A requester who is dissatisfied with the agency’s response (or lack of it) can seek a review by the Ombudsmen’s office. The Ombudsmen have power to investigate, and can insist on examining the documents at issue to see whether the agency is applying the Act correctly. Ultimately, the Ombudsmen may recommend the release of some or all of the information. On review, an organisation invoking one of the exceptions “would be expected to bring forward material to support that proposition” (Police v Ombudsmen, 1988).

These recommendations are binding unless the Governor-General, by Order in Council, overrides them, something that has never happened.

This, then, is the legal framework of the OIA. The next two sections of this article examine, from different viewpoints, how it is perceived by those who deal with it frequently.

### **Requesters’ Views**

Generally speaking, the frequent requesters were deeply ambivalent about the OIA. The requesters all had OIA success stories. But they were sceptical of officials’ and

Ministers' motives and knowledge of the OIA. The requesters said many officials wrongly believe that OIA requests must be written down – or that the request must specifically mention the Act; if not, the officials believe they can choose whether or not to release the information. Sometimes officials offer requesters a trade-off, they said, along the following lines: “you will have to put that request under the OIA, which will take time to process – or else I could just give you this particular information right now.”

The requesters suspected officials interpret their requests as narrowly as possible, forcing them to make very sweeping requests. They had all experienced frustrating delays in the processing of requests, particularly when they sought controversial or sensitive material. They listed what they saw as common stalling tactics used by officials:

- transferring requests between agencies;
- seeking clarification of the request, then treating this as a new request with a fresh 20 working day time limit;
- insisting that they are “working on it” or “conducting consultations”;
- claiming that the person processing the request is away or sick or that it is “on the Minister’s desk” awaiting final approval;
- waiting for weeks and then refusing the request;
- losing or simply ignoring requests; dragging the chain when the Ombudsmen become involved; and
- brazenly not releasing information immediately even after agreeing to do so following an Ombudsmen’s investigation.

By the time the information finally arrived, it was often no longer newsworthy. This, they thought, was often the point of the delays.

The requesters said officials and Ministers select from a menu of illegitimate reasons to deny them information. Some have nothing to do with the OIA: "the information doesn't belong to us"; "it's now wrong, we've changed our view, so you can't have it"; "we've consulted X and they won't let us release it"; "we have no interest in taking part in your survey."

As well, seasoned requesters were, by and large, cynical about the use of the OIA's withholding clauses. In particular, requesters said the government uses these exceptions to withhold anything that can remotely be described as commercially sensitive, Budget-related, confidential, related to international trade or security, or official advice. The requesters reported enormous inconsistencies in the way the exceptions are administered. Some agencies tended to withhold whole documents, rather than considering whether parts could be released. Many agencies appeared to adopt blanket policies concerning legal advice, policy documents, or documents supplied by third parties, rather than considering them case-by-case. Many deferred to the wishes of their Ministers rather than making the decisions themselves. Requesters also complained that they were sometimes confronted with enormous charges that seemed designed to deter them from pursuing requests.

Several requesters also suspected that information gets shredded sometimes, or given back to its source to frustrate access. And when the requested information does arrive, they wondered whether it was really complete. A lawyer said he had never been provided with any e-mails in response to any of his many OIA requests,

and could not believe that no relevant ones existed. The New Zealand Law Commission (1997) has expressed concerns about this too, noting that even the Ombudsmen “may find it difficult to ascertain, for example, whether information supplied by an agency in accordance with requests is indeed all the relevant information held within the scope of the request, rather than simply enough to satisfy the requester on each occasion.”

Former Radio New Zealand political editor Alastair Morrison is one of many to comment on a different matter: the government’s increasing use of methods of managing information releases to minimise their detrimental impact (Morrison 1997). The government waits until Christmas Eve before releasing the information, he says. It sends out a “public relations package” with the information. It buries the requested information in a mass of other material. It releases the information to all journalists together - or to a friendly journalist first - to deny the requester a scoop. (The roundtable journalists suspected that some of the stacks of paper stamped “released under the Official Information Act” that land in their in-tray may not have ever been requested by anyone at all. It may be a clever ruse to get them to read the material, or to release some information in the hope that no-one realises there’s more.)

The news was not entirely bad. None of the requesters would want to go back to the days before the OIA. Du Fresne (1996) calls the OIA “a vital piece of legislation which has prised open many doors which previously had been firmly shut.” Some requesters were full of praise for some of the officials they deal with – particularly the officials who, from time to time, suggest quietly “why don’t you ask for this?” or who battle to release information they think should not be withheld. Some agencies are much more open than others, the requesters said. As well, most requesters accepted

that problems with the OIA are frequently due to poor training, resourcing, or record-keeping rather than bad faith.

## **Officials' Views**

The officials seemed as ambivalent about the OIA as the requesters, but for different reasons. They supported the concept of open government, and the principles behind the OIA. In fact, some wished journalists would take more interest in the policy-making process. Many said that the possibility of their advice becoming public strengthened its quality. "There is nothing like the prospect of outside academic or interest group scrutiny to make you write accurately and neutrally," commented Marie Shroff (1997), when she was Cabinet Secretary.

However, they said the OIA is an enormous burden to administer. They criticised many requesters for not thinking hard about the precise information they wanted, or for simply trying to get officials to do their research for them. Requesters were often vague, and sometimes asked the organisations to form opinions (which the OIA does not require them to do.)

Requests, they said, were increasingly taking the form: "all documents relating to Y including emails (and deleted emails), minutes, briefings, memos, drafts, correspondence, reports, aides memoire, file notes, Cabinet and Cabinet committee papers." This could create days of work - sometimes weeks or months, they said. First, the relevant information must be identified. It may be spread across different files, held by different staff members, in different parts of the country. Relocations,

high staff-turnovers, interdepartmental mergers, computerisation, restructuring, and multiple recording, filing and archiving systems often add to the complexity of the task. The increasing use of e-mail for consultation and feedback on policy proposals and draft documents, for example, quickly multiplies the numbers of relevant documents that may be relevant to a request.

Next the agency has to take a view on whether release would damage any of the interests protected in the OIA. It is often difficult to delegate or centralise this task, the officials said, because expertise is needed to evaluate which information may truly be damaging if released. People familiar with the documents and the issues may need to be consulted, as well as third parties who may have privacy or confidentiality interests, legal advisors, and other agencies who may have contributed to the creation of the information. If there are political sensitivities, the Minister is consulted. It is not uncommon for some key people in this chain to genuinely be sick or overseas.

After that, officials need to go through the relevant documents, copy them, and painstakingly delete the information that needs to be protected. Finally, in many cases, the work needs to be checked.

The task, said the officials, is a thankless one. Some requesters are abusive, demanding and suspicious. They do not seem to realise that theirs is not the only OIA request in the pipeline, or that OIA processing is not the most well-resourced or high-status government activity, or that OIA requests are seldom the most important or pressing item on officials' workloads. In fact, say the officials, they often release information that could properly have been withheld, because they do not have time

to consider all the issues page-by-page, or because they want to avoid a battle with the requester.

The officials pointed out that the OIA calls for some fine judgments to be made about the applicability of nebulous standards - the likelihood of harm, the public interest, the effect of disclosing advice. OIA requests are often delegated to junior staff, they noted. Some admitted that they are not necessarily best-placed to evaluate issues such as likely commercial prejudice; they may have little time to consult large numbers of people about privacy or commercial interests; they may not want to be seen as betraying their Minister by releasing embarrassing material; they may feel acutely that minor statements taken out of context from preliminary policy documents and published in the media can do a lot of harm.

Poot (1997) has explored the nuances of this last point. Policy is a complex, iterative process, officials told him. "Options and issues released at an early stage may not be what they were later discerned to be," said one. Drafts are often put together to promote dialogue or explore ideas and are not designed to be definitive or painstakingly accurate. Journalists seldom provide this context, but often create a "sideshow" that interferes with rational decision-making processes. Increasingly, they are younger and more aggressive, seeking quick turnaround stories involving personalities, scandals or public money. "Provocative ideas can be really misinterpreted," one official told him. Worse still, politicians' requests are often politically motivated, "used more for political grandstanding than for improving policy development." The increasing need for negotiation with coalition partners and other parties has also complicated the policy-development and decision-making process.

So it is not surprising that many officials take a cautious approach to the release of information. Arguably, it is appropriate to adopt a careful approach to nebulous standards when there is an avenue of review available through complaint to the Ombudsmen's office. Moreover, even when they recommend release, they can be overruled by Ministers.

The officials said they do their best to meet the needs of the requesters and the dictates of the OIA. However, it seems from the data examined for this paper that not all officials are as conscientious and knowledgeable about the OIA as the ones who attended the roundtable.

### **Quantitative Data**

Of the 136 agencies contacted for this research, 13 agencies did not reply, and two merely provided their own selection of "representative" requests instead of the last ten they had received. These were excluded from the quantitative data. A further 21 agencies had received no requests. Thus, the dataset assembled for this research covers 100 agencies: 36 government departments, 13 state-owned enterprises and 51 Crown entities. Some agencies had received fewer than ten requests in the past year. The total number of requests in the last-ten-requests database is 694.

Bear in mind that the following information is subject to significant limitations. First, the dataset generally does not include the many oral requests for information received by agencies every day. Technically, these are usually requests under the OIA, but (presumably for reasons of administrative convenience, or ignorance of the

fact that they constitute OIA requests) they are not put through the processes most agencies have set up for dealing with OIA requests.

Secondly, the dataset is not truly a random sample of all requests. A properly representative sample of the most recent OIA requests at a particular date would largely comprise requests to high-OIA-volume agencies such as the Police and the Ministry of Health. In order to explore the impact of the OIA across a range of agencies, the primary dataset included no more than ten requests from any one agency. This affects all the data, and needs to be borne in mind throughout.

Thirdly, as discussed, some agencies did not respond. Nor is it absolutely clear that those who supplied requests did not, mistakenly or deliberately, omit some.

Still, the information extracted paints a broad picture of the OIA in operation. The following is a summary of the results: more detail is available from the full version of this paper cited in the abstract above.

Almost a quarter of requests (23%) came from politicians, their staffers and political research units. The media and individual members of the public made about 20% of requests each, and the rest were about evenly split between academics, lawyers, companies and lobby groups.

Only 20% of requests were classed as "very wide" – asking for "all documents" concerning a particular topic, for example. Just over a third (35%) sought specific documents or information and the rest were somewhere in between.

Generally speaking, OIA responses were processed far more quickly than frequent OIA requesters might have predicted: in 13 working days, on average. Extensions were relatively rare (5%), and 87% of unextended requests were met on time. There was little difference in processing time between different requesters, or between different agencies (though state-owned enterprises were a little slower on average).

Overall, 18 % of requests were refused entirely. However, 59% of requests were met without any deletions, and 74% with at most only slight or partial deletions. This is probably because much of the ordinary business of the OIA does not relate to information that is extremely sensitive. It is also because the vast bulk of requests (80%) are reasonably well-targeted, rather contrary to the impressions of officials.

Political requesters (politicians, political staffers and political research units, who these days are making more and broader requests than anyone else) seem to get particularly good service. Their requests were processed slightly faster than average and they faced a lower withhold rate. The media fared worse than average on both counts. Strikingly, media requesters are almost twice as likely to have information withheld than academic ones. It is possible that this relates to the nature of the information being requested.

The roundtable requesters accurately identified the most commonly used grounds for withholding information: those relating to privacy, confidentiality, commercial prejudice and policy advice. Information was withheld or refused in response to 41% of requests, and of those 41%, more often than not the deletions were substantial or the information was withheld entirely. In particular, the exceptions protecting the policy process, commercial activities and confidentiality were usually used to withhold

large amounts of information (or all of it) rather than make small deletions. Where information was withheld under section 9 (where lower-level interests such as privacy, confidentiality and sensitive advice must be balanced against the public interest), almost three-quarters of responses failed to expressly consider any public interest favouring release of the information.

Overall, 29% failed to advise requesters of their right to seek a review. Most significantly, individual members of the public making requests were not told of their review rights in 47% of responses. Charges were made or imposed in only 4% of responses.

### **Qualitative Data**

This research revealed that a good proportion of ordinary OIA requests are about holding decision-makers accountable, seeking a window on the processes of government, and marshalling resources for research, political opposition, or public critique. Dozens of requests were made for all manner of policy-related information: briefing papers on the Shared Parenting Bill, policy papers on sex offender tracking, papers on assisted human reproduction, information about child smacking law reform, public and private road partnerships, use of the whistleblower protection law and tax concessions for film production, to name but a few. Individuals and groups sought reasons (and sometimes minutes, correspondence and documents containing the decision criteria) for decisions that went against them: a student who missed out on a scholarship, for instance; a bus company that was not awarded a school bus contract; and a group who were turned down for environmental legal aid.

Consider, too, the following examples from the dataset:

- A resident used the OIA to obtain data on road accidents in her area and information on how speed limits could be lowered, following the tragic road-accident death of a young girl.
- A manufacturers' lobby group believed some new water-heating regulations were poorly researched, and wanted to challenge them, so used the OIA to obtain the cost-benefit analysis that they were based upon.
- An anti-abortion group found via the OIA that the top five certifying consultants for abortions each received consultancy fees of more than \$100,000 in the past year.
- An OIA request revealed Treasury's reasons for opposing the government's painted apple moth airborne spraying programme: it has a 20-40% chance of failure, it is likely to exceed its \$130 million budget, and the estimated economic benefit if it succeeds is only \$58 million.
- A newspaper's OIA request about the Defence Force's Orion aircraft revealed that they suffer equipment failures every second flight.
- Parents looking to challenge their child's expulsion from a particular school asked the Ministry of Education for data about the number of expulsions at that school in recent years compared with others in the area. The data revealed an enormous disparity.

This is the stuff of democracy. The examples demonstrate that useful – and even embarrassing – information is regularly released through the OIA. Moreover, officials sometimes went further and provided information beyond that requested. Many tried

to work with requesters to accommodate their needs, apparently spent long periods searching for and vetting information for release, provided detailed and careful explanations when information was denied and, where necessary, explored alternative ways of making information available (with deletions, or via summaries, for instance).

However, this was not always the case. It was disturbing to see how often officials and Ministers withheld information in apparent contravention of the OIA. Examining hundreds OIA requests for this project revealed that when information was withheld, it was usually unclear whether the law was being applied correctly. Not infrequently, responses included reference to wrong sections. Officials often made simple assertions that information was "confidential" or "commercially sensitive" without appearing to understand that these do not, in themselves, provide reasons for withholding information. Although officials are not required to refer to the public interest in their responses, they are required to consider it, and there was usually no evidence that they had done so.

Alarming often they issued refusals that appeared unlawful. One agency developed its own standard rule about the release of information, attempting to justify it on six different grounds in different cases. It admitted in a covering letter that its "approach to answering OIA requests is in need of a thorough review." A few times, agencies used OIA justifications for withholding information from Privacy Act requests (the Privacy Act regulates data management about natural persons and contains a separate access regime). One organisation refused to supply information it held simply because it was prepared by another organisation.

Without detailed knowledge of the information at issue in these requests and the various interests involved, it is difficult to offer definitive analysis of the refusals. It may be that some of them have since been subject to a complaint to the Ombudsmen (in fact, a few of the responses included correspondence with the Ombudsmen relating to particular complaints). However, most do not get referred to the Ombudsmen, who receive about 1200 complaints a year from the thousands of OIA requests that are made. Thus, the following comments are, of necessity, impressionistic. However, many of the documents raise concerns on their face. Common problems included:

- Reading down requests, so that parts were ignored or construed narrowly
- Wrongly asserting that drafts are not subject to the OIA
- Withholding whole documents, when only small deletions were justified
- Refusing the information because various third parties (those with privacy interests, or companies who had supplied the information, for instance) had not consented to release
- Stating that policy decisions were “still under consideration”, and refusing all information about them, without considering the other statutory elements of the policy exceptions (one of which requires, for example, that release would prejudice the maintenance of public affairs)
- Replying that the information “doesn’t exist” merely because it is not written down
- Wrongly asserting that confidentiality clauses (for instance, in settlement agreements) mean the information cannot be released
- Transferring sensitive requests to the Minister (this is only lawful when the department believes that the request is more closely connected with the Minister’s functions)

- Invoking prejudice to national security in international relations in circumstances where the danger seemed remote at best
- Improperly invoking the privacy exception, to protect information such as the box office receipts from Peter Jackson's films
- Properly invoking the privacy exception, then failing to delete names properly so that, for instance, the name of a three-year-old accused of sexual abuse in a child care centre, as well as the name of his mother, the alleged victim and her mother were readable in one requests. Also readable were the name and traffic conviction history list (including three drink-driving convictions) of another requester
- Imposing or proposing charges up to \$140 an hour that seemed designed to discourage requests

It may be that some of these refusals were justified. For instance, there may be good reason to refuse a particular draft document, if the statutory criteria of a particular exception is met. But the responses seldom addressed the relevant statutory criteria of the exceptions, so it was not clear that officials even understood them. The Ombudsmen's annual reports from the past ten years indicate that 58% of complaints to the Ombudsmen are resolved, formally or informally, in favour of the release of further information - supporting the suggestion that the exceptions are too often incorrectly invoked.

## **Conclusions**

The project has uncovered much that is encouraging: more, in fact, than the OIA's critics might have predicted. Many requesters sought and received information under

the OIA that enabled them to better understand, critique and participate in the decisions affecting their lives. The majority of requests were apparently met in full. The vast majority were met on deadline. There is evidence that many officials applied the OIA conscientiously and did not withhold information without careful and reasoned consideration of the grounds in the OIA. Charging for information was very rare. Some officials even went out of their way to offer extra information. Indeed, officials may well have released information that could properly have been withheld under the OIA, although of course while the OIA provides grounds for withholding information, it does not make such withholding compulsory.

However, there is also much to be concerned about. About one OIA request in eight breached the 20 working day statutory deadline, without providing an extension. Most often, when information was withheld, the responses provided little evidence that the law was being followed properly. Bland assertions of "confidentiality", "commercial sensitivity", and "privacy" abounded. In more than a quarter of cases, responses did not refer to the requester's right to complain to the Ombudsmen. In almost three-quarters of cases, officials and Ministers failed to explicitly balance public interest considerations, and when they did, they rarely provided more than lip service. It is possible that behind these glib responses lay a careful, but unexpressed, consideration of the statutory grounds for withholding, but it is difficult to have confidence about that.

Many agencies seemed to wrongly regard policy advice as constituting a class of documents that need not ever be released, and certainly not until the Minister has seen them. Whole documents were refused when deletions could have been made or

summaries provided. Charges seem to have been employed on occasion to frighten people off. The various guidelines on the OIA seem to have been frequently flouted. Twenty years after the passage of the OIA, agencies have little excuse for these sorts of mistakes. Taken together, they seriously compromise the OIA's ability to fulfil its constitutional role of promoting accountability and participation.

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