



THE MANAGEMENT AGENCY

AMERICAN FOULBROOD (AFB) NATIONAL PEST MANAGEMENT PLAN (NPMP)

Policy Document

Policy Number: AFB/22/0/11 - 047

Policy Title Policy for responding to Official Information Act 1982 Requests

Purpose

1. This policy provides guidance on The Management Agency for the National American Foulbrood Pest Management Plan (“**The Management Agency**”) procedure for processing requests for official information, in accordance with the requirements of the Official Information Act 1992 (“**the OIA Act**”).

Official Information Act 1982

2. The Official Information Act 1982 (OIA) allows people to request official information held by Ministers and specified government agencies (agencies). The OIA also applies to The Management Agency, as it is listed or described in Part 1 or Part 2 of the Schedule 1 of the Ombudsmen Act 1975 (OA), or in Schedule 1 of the OIA.

Policy Statement

3. The Management Agency will follow the guiding principle of the Official Information Act 1982 where information must be made available if requested unless a reason exists under the OIA Act for withholding it.

The Management Agency will process OIA requests in a way that ensures:

- transparency is conveyed about The Management Agency’s key decisions and decision-making processes.
- protects beekeepers’ private and commercially sensitive information.
- protects and supports The Management Agency’s ability to implement the Biosecurity (National American Foulbrood Pest Management Plan) Order 1998 (“**the Management Plan**”) effectively and efficiently.

Who can make an OIA request

4. A request for official information can be made by:
 - any person living in New Zealand.
 - any person who is a New Zealand citizen or resident.
 - any body corporate which is incorporated in New Zealand or has a place of business in New Zealand.
5. A person who is not eligible as per para 4 (e.g. a non-resident of New Zealand or a person who is not a citizen of New Zealand) can still make an official information request. In such a situation, the Management Agency will respond to the requester in a reasonable manner.



Timeframe for responding to OIA requests

6. Upon receiving an OIA request, the Management Agency will acknowledge the request and provide a decision on the request, no later than **20 working days** from when the request was originally received.
7. For instances where the request is unclear or if a large amount of information is being requested, the Management Agency will provide the requestor with:
 - an estimate of how long it will take to fulfill the request;
 - progress update on the response for the request, and;
 - if any further clarification is required to define the scope of the request.

Charging for release of official information

8. The Management Agency is a small and financially constrained not-for-profit organisation funded by levy payers (i.e. beekeepers). The Management Agency is obligated to use levy payer funding towards its core duty of AFB elimination in New Zealand through the day-to-day implementation of the NPMP in an efficient and effective manner.
9. For official information requests which are administratively challenging and has the potential to divert the Management Agency's resources from the core mission of AFB elimination, the Management Agency will assess and consider (on a case-by-case basis) charging the requestor for access to the information being requested.
10. If the Management Agency decides to charge for the request, it will advise the requester of such a decision at the same time as the decision to grant the request is communicated, and will include:
 - the decision to charge;
 - the maximum amount of the charge;
 - how the charge was calculated
 - the requirement of full payment in advance of release of the information; and,
 - that the requester has the right to make a complaint to the Ombudsman about the Management Agency's decision to charge.
11. For requests that apply to para 9 and 10, the Management Agency will follow the Charging Guidelines for Official Information Act 1982 requests ([Charging Guidelines for Official Information Act requests \[PDF\]](#)).
12. The Management Agency will charge a requestor \$38 per half hour for every half hour of staff time, in excess of the first hour to retrieve, collate, and prepare the information for release in accordance with section 15(1)(a).
13. The Management Agency may elect not to comply with the request for information until the requestor has accepted any charges (if applicable) and paid any monies (that may be required) in advance.

Making a decision - Considering whether to grant the request

14. All requests for official information will be granted unless there are grounds to:

- Refuse the request for “administrative reasons” - section 18.
- Refuse the request for “conclusive reasons” – sections 6 and 7.
- Refuse the request for “good reasons” – section 9 (including, but not limited to):
 - protecting beekeepers and the implementation of the Pest Management Plan from harm.
- Release the requested information in an alternative format – section 16.

Reasons for Refusal or declining of information requests (Administrative reasons, Section 18)

15. The Management Agency may refuse information requests based on administrative reasons. Administrative reasons that may result in the refusal of requests include:

- A. The information is or soon will be publicly available, section 18(d).
- B. The request is made by or on behalf of a defendant, for information that could be sought under the Criminal Disclosure Act 2008, section 18(da).
- C. The document does not exist or cannot be found despite reasonable efforts to locate it, section 18(e).
 - a. Prior to declining requests under section 18(e) the Management Agency will consider whether consulting with the requester on alternative information will enable the request to be met.
- D. The information cannot be made available without substantial collation or research, section 18(f):
 - a. Prior to declining a request under section 18(f) the Management Agency will consider whether:
 - Charging or extending the timeframe would enable the request to be met; and
 - Consulting the requestor would enable the Management Agency to meet the request in a way that does not require substantial collation or research.
 - b. The Management Agency may collate multiple requests received from one requestor into one.
 - c. ‘Research’ means **finding** the information and ‘collation’ means **bringing** it together. These terms can encompass the following tasks:
 - Identifying the requested information;
 - Determining whether the requested information is held;
 - Searching for, retrieving, and extracting the requested information, and;
 - Assembling or compiling the requested information.
 - d. Time required to make a decision on withholding or release of information that has already been found and brought together does not go toward establishing ‘substantial collation or research’.

Where the following tasks relate to decision making on withholding or release, they should not be taken into account:

 - Reading, review, and assessment;
 - Consultation (including consultation with legal advisors, or affected

- third parties); and
 - Redacting information that the Management Agency has decided there is good reason to withhold.
- E. The information is not held by the Management Agency, and there are no grounds to believe that the information is held by another agency or more closely connected with the functions of another agency, section 18(g).
- F. The request is frivolous or vexatious, or the information requested is trivial, section 18(h).

Reasons for Refusal or declining of information requests (Conclusive reasons, Sections 6 and 7)

16. The Management Agency will consider whether the release of the information requested would prejudice interests protected by section 6, including:

- a. The security or defence of New Zealand or international relations of the Government of New Zealand, section 6(a).
- b. The entrusting of information to the Government of New Zealand, section 6(b)(i)(ii).
- c. The maintenance of the law, section 6(c).
- d. The safety of any person, section 6(d).
- e. The economy of New Zealand, section 6(e)(i)(ii)(iii)(iv)(v).

17. The Management Agency will consider whether the release of the information requested would prejudice interests protected by section 7, including:

- a. The security or defence of the self-governing Cook Islands, State of Niue, Tokelau or the Ross Dependency, section 7(a)(i)(ii)(iii)(iv)
- b. Relations between the governments of New Zealand and the self-governing State of the Cook Islands and State of Niue, section 7(b)(i)(ii)(iii)
- c. The international relations of the governments of the State of the Cook Islands or the State of Niue, section 7(c)(i)(ii)

Reasons for Refusal or declining of information requests (Interests protected by Section 9)

18. The Management Agency will consider whether the release of the information requested would prejudice interests protected by section 9, including:

- a. Privacy, section 9(2)(a).
- b. Commercial activities, section 9(2)(b).
- c. Information subject to an obligation of confidence, section 9(2)(ba).
- d. Legal professional privilege 9(2)(h).
- e. Enabling the Management Agency to carry out commercial activities without disadvantage, section 9(2)(i).
- f. Enabling the Management Agency to carry out negotiations, section 9(2)(j).

When considering whether to refuse a request for “good reasons” (section 9), the Management Agency will conduct a public interest test to assess whether the public interest in releasing the information outweighs the need to withhold the information.

Refusal of requests to protect beekeepers and the implementation of the Management Plan from harm

- 19.** The confidence of all New Zealand beekeepers that the Management Agency will keep their information safe and secure is critical to the effective and efficient implementation of the Pest Management Plan. The Management Agency is committed to protecting beekeepers' personal, commercial and confidential information insofar as sections 9(2)(a), 9(2)(b) and 9(2)(ba), respectively permit.
- 20.** The Management Agency considers that the harmful effect of releasing beekeeper information protected by section 9 of the OIA will typically outweigh any public interest in the release of this information, including:
- a. Privacy, section 9(2)(a), including name, address, email, telephone numbers, and candidate numbers.
 - b. Commercial activities, section 9(2)(b), including apiary and colony information.
 - c. Information subject to an obligations of confidence, section 9(2)(ba) including AFB notifications, apiary and colony information.

However, the Management Agency will consider whether there is a public interest in the release of this type of information (pursuant to section 9(1)) on a case-by-case basis. The Management Agency will typically withhold this information by either redacting this information or declining the request.

Requests made under Parts 3 and 4 of the OIA

- 21.** Requests made under Parts 3 and 4 of the OIA can only be refused for one of the reasons referred to in those Parts, namely:
- a. reasons for refusing requests for internal rules affecting decisions (section 22);
 - b. reasons for refusing requests for statements of reasons for decisions (section 23); and
 - c. reasons for refusing requests by corporate entities for personal information (section 27).

Deciding how to release the information

- 22.** The Management Agency must release the information in the way preferred by the requestor unless to do so would:
- a. impair efficient administration, section 16(2)(a);
 - b. be contrary to any legal duty the agency has in respect of the information, section 16(2)(b); or
 - c. prejudice the interests protected by sections 6, 7 or 9 of the OIA (and in the case of the interests protected by section 9, there is no countervailing public interest), section 16(2)(c).
- 23.** Where the information requested is not provided in a way preferred by the requestor, the Management Agency must provide the reasons for not providing the information in that way, and, if requested, the grounds in support of that reason, unless the giving of those grounds would itself prejudice the interests protected by sections 6, 7, or 9.

Communicating the Decision

24. The Management Agency will include the following information in the notice of the decision:

- a. whether the request has been granted; and if so;
- b. in what manner; and
- c. for what charge (if any).

25. If the decision is to refuse the request, the Management Agency will:

- d. communicate the reasons and grounds for refusing the request including reference to the relevant OIA subsection relied upon to refuse the request.
- e. advise the requestor of the right to address their complaint to the Ombudsman.

26. When the Management Agency grants the request, the information requested will be released at the same time as the decision is communicated. When this is not possible the Management Agency will communicate the timeframe for release to the requestor and release the information without undue delay.

Helpful Information for requesters

- a. [Official Information Act 1982](#)
- b. [Charging Guidelines for Official Information Act requests \[PDF\]](#)
- c. [The Ombudsman's Official Information Act guide for agencies \[PDF\]](#)

Effective Date: 18 March 2024

Reviewed Date: 15 March 2027

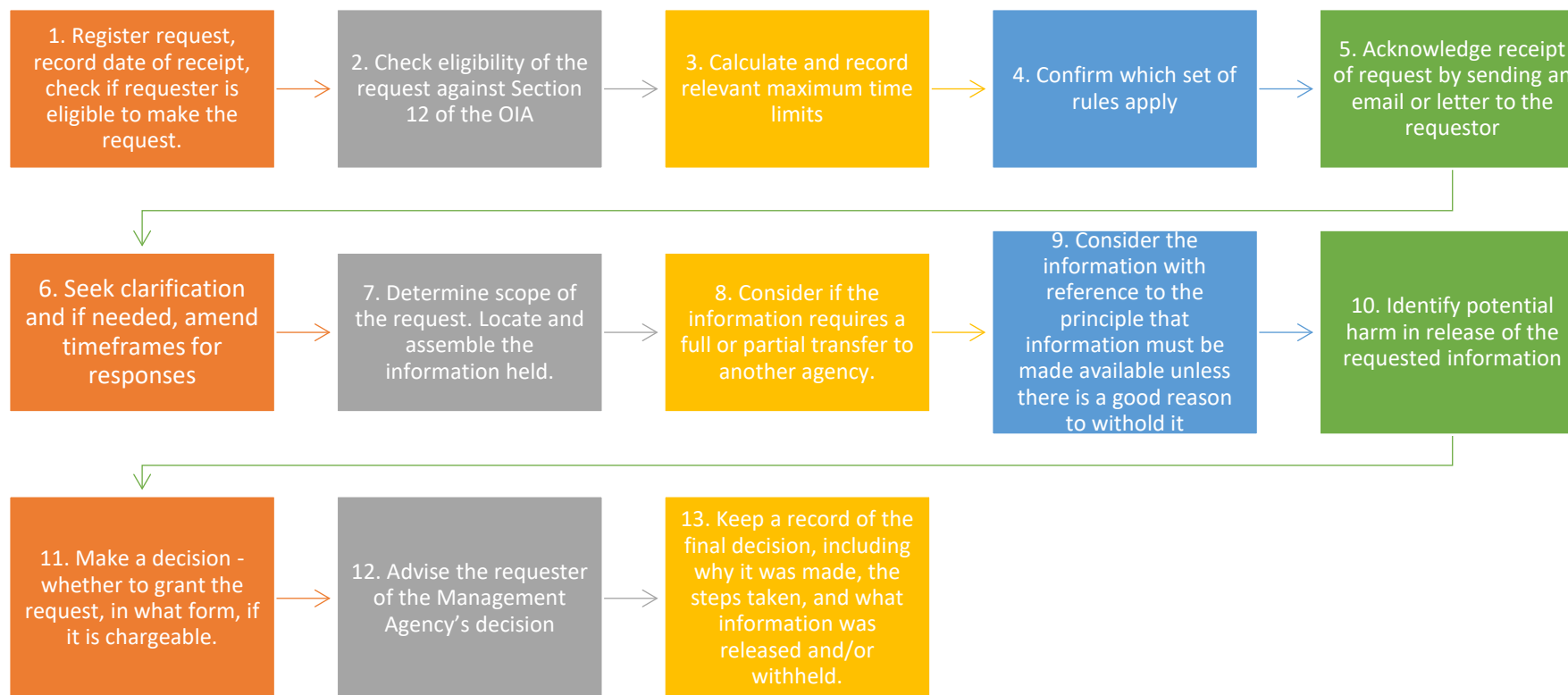


Mark Dingle
Chairman AFB PMP Management Board

Date: 18 March 2024



The Management Agency's 13-step process for Official Information Act Requests



Notes on the Management Agency's 13-step process for Official Information Act Requests

Days 1 – 3

Step 1. Registering the request

The Management Agency will make a note of incoming information requests on its Information Requests register, along with brief details of the information being requested, name of the requester, calculate the likely timeframe of complying with the request. It will also assess if there are other similar requests on file – either made by the same or different requester.

Subsequent notes will also be maintained that capture the progression of complying with the information request.

Step 2. Eligibility to make a request.

A. Is the requester eligible to make a request?

Even if the requester is not eligible under the OIA (i.e. they are a company incorporated outside of New Zealand), the Management Agency will still duly consider the request.

B. Has the requested information been specified with due particularity?

- a. If not, the Management Agency will seek further clarification as to the scope of the request with the requester in accordance with section 13.
- b. If so, but the request is overwhelmingly large, the Management Agency will consider negotiating the scope of the request down with the requester in accordance with sections 15(1AA) and (1AB)

C. Is the request seeking an opinion or the creation of information rather than information held by the Management Agency?

- a. The Management Agency will consult with the requester and provide reasonable assistance, if the request is not made in accordance with section 12.

Step 3 Maximum timeframes

A. What is the maximum timeframe?

- a. 20 working days: for deciding whether to grant the request, in what manner and for what charge (as soon as practicable, but no later than 20 working days).
- b. 7 working days: for seeking clarification, if any amendment or clarification is received and is to be treated as a new request.
- c. 10 working days: for transferring to another agency.
- d. 20 working days: extending the maximum time limits for decision and transfer.

Step 4: Confirming application against set of rules

A. Is the request:

- a. a general Part 2 request for official information?
- b. a Part 3 request for internal rules, policies, or guidelines (section 22 of OIA)?
- c. a Part 3 request for reasons for a decision (section 23 OIA)?
- d. a Part 4 request by a corporate entity for access to personal information?
- e. a Privacy Act 2020 Request by an individual for information about themselves

or a request that does not apply to section 12 of the OIA?

Step 5. Acknowledgment of receipt of request

The Management Agency will respond to the requester accordingly and advise the requester whether it intends to publish its response to the request online. The Management Agency will look to publish requests made pursuant to the OIA, wherever practicable.

Days 1 - 7

Step 6. Seeking clarification or amendment

Can the OIA timeframes be reset?

Yes - if clarification is sought prior to or within 7 working days and clarification or amendment is received. The Management Agency can still request clarifications after 7 working days, but the OIA timeframes are not reset if clarification or amendment is received.

For example: Working Day 2: The Management Agency seeks clarification from the requester.

Working Day 4: the requester clarifies the request,

In such cases, the Management Agency will have a further 20 working days (as from “working day 4”) to respond to the request (noting that the Management Agency will respond as soon as reasonably practicable).

Days 1- 10

Step 7: Scope, locate, assemble.

- A. *What is the scope of the information requested?*
- B. *Is a full or partial transfer of the request necessary?*
- C. *Can the information held by the Management Agency be located and assembled?*
- D. *Are there any administrative difficulties in locating, assembling, or providing the information (section 18 OIA)?*
- E. *Is an extension of time to transfer the request or to make a decision, necessary?*

The Management Agency will first consider seeking an extension from the requester (section 18A(1)(B)) or consulting with the requester (section 18B) or fixing a charge for the supply of the information (section 18A(1)(a)).

Step 8: Transfer of the request

A. *Can the request be transferred in part or full?*

Yes - if some or all the information requested is not held by the Management Agency but is believed to be held by another agency and is believed to be more closely connected to the functions of another agency.

In such cases, the Management Agency will consult with the other agency to enable appropriate arrangements for the transfer and check if they:

- are the right agency to receive the transfer?
- have already received the same request?
- who should the transfer be addressed to?

The Management Agency will also check if it needs to transfer information it holds with the request?

B. What if the other agency has received the same request?

The Management Agency will consult with the requester to ask them to withdraw their request. If they do not withdraw their request – a decision will be made to refuse the request.

The Management Agency will notify the requester of an extension of the maximum time limit to transfer the request and/or make a decision on the request.

The decision to extend the time limit must be communicated to the requestor within 20 working days after the day that the request was first received by the Management Agency.

C. The extension must be for a reasonable period of time having regard for the circumstances. Reasons for extension include either:

- The request is for a large amount of information or necessitates a search through a large quantity of information, and meeting the original time limit would unreasonably interfere with the operations of the Management Agency; or
- Consultations are necessary to decide on the request such that a proper response to the request cannot reasonably be made within the original time limit.

Days 1 – 20

Step 9: Making information available (unless good reasons to withhold)

A. Is consultation within the Management Agency, a third party, another agency, or the requester required?

B. Does the maximum time limit for deciding or transferring the request need to be extended (in accordance with the permissible reasons for extensions pursuant to the OIA)?

If yes, the Management Agency will consult on the request and notify the requester of an extension to the maximum time limit to decide on the request and/or transfer the request.

Step 10: Identifying potential harm in release of the requested information

A. Are there any concerns with reference to the relevant reasons for refusal?

The Management Agency will identify and assess any public interest factors that favour the release of the requested information, when considering any reasons in Section 9 of the OIA Act.

The Management Agency will also consider:

- whether sections 16 and 17 of the OIA Act are of assistance
- the possibility of a conditional release, or;
- the possibility of releasing the information in an alternative medium (if permissible in accordance with section 16).

Step 11: Final decision

The Management Agency will decide whether to grant the request, and if so, in what form it will be released and if it is chargeable.

The Management Agency will ensure the final decision complies with the requirements in the part of the OIA it was requested under.

Step 12: Advise the requester of the Management Agency's decision

A. The Management Agency will include the information (where relevant) and if it's practical, it will release the information to the requestor at the same time as the decision. Pursuant to the OIA, staggered release or future release of information is permissible so long as the release of information occurs 'without undue delay'.

B. Where the preparation of information for release is chargeable, the Management Agency will request confirmation in writing from the requester that they will pay the charges. The Management Agency will release the information without undue delay after payment has been received.

Step 13: Update records on final decision

Once the request has been complied with in its entirety, the Management Agency will update its 'Information Requests register' accordingly with details on:

- the final decision, including why it was made
- steps taken to comply with the request
- what information was released
- what information was withheld, including the reasons for it.