

## POLICY ON CHARGING FOR OFFICIAL INFORMATION

<b>Section</b>	Organisational Management and Governance
<b>Contact</b>	Governance and Assurance
<b>Last Review</b>	3 <sup>rd</sup> April 2019
<b>Next Review</b>	March 2023
<b>Approval</b>	SLT 19/04/53

### Purpose:

The Official Information Act 1982 (“OIA”) provides for the University to impose a reasonable charge — subject to external review by the Ombudsman, to recover some of the costs of making information requested available. This Policy sets out how and when the University will apply a charge to requests for official information.

### Policy:

Information which an officer, employee or member of the University holds in their official capacity is deemed to be held by the University and is therefore subject to the OIA. This also extends to independent contractors, organisations or companies that are undertaking work on the University’s behalf.

Where a request for official information is made or transferred to the University, the decision to charge will be made on a case-by-case basis by the Director Governance and Assurance.

### Charges

Charges may be levied for OIA requests where:

- A decision has been made to release the information in full, or in part; and
- Requests involve more than one hour of chargeable<sup>1</sup> work; and/or
- The requestor has recently made a large volume of time consuming requests in a short period; and/or
- Where the information is of commercial value to the requestor

In assessing whether to charge, the University will adhere to the guidelines and charges as recommended by the Ministry of Justice, and consider whether a charge is appropriate in the circumstances. If it is not appropriate to charge, then the request will be processed as per the University’s internal process.

<sup>1</sup> Chargeable work includes labour (search and retrieval, editing, peer review, scanning etc), materials and other actual and direct costs such as retrieval from off-site storage. Activities that cannot be charged for include: decision-making on the request, time spent estimating the charge, other general overhead costs.

Where a charge is appropriate, this will be calculated with the first one hour of time spent on the request being free; and then all additional time to be charged at \$38 per half hour.

Photocopying or printing on standard A4 paper where the total number of pages is in excess of 20 pages will be charged at a rate of 20c for each page.

All other costs incurred will be charged at an amount that recovers the actual costs involved. This could include:

- Provision of information on discs
- Retrieval of information from off-site storage
- Providing a copy of any document larger than A4 size
- Actual rate of pay where specialist staff are required to process the request

Where the threshold to provide the information for free (1 hour) is only slightly exceeded, the University will at its discretion decide whether any charge is payable or not.

All charges specified in this policy are inclusive of GST.

### **Remission of charges**

The University reserves the right to reduce or waive any charge, having regard to the particular circumstances of any request. Such considerations could include hardship, to assist another department or agency in its work, or where there is a significant public interest.

### **Payment**

Where a charge is to be applied, the University will communicate with the requestor advising of: the decision to release all or part of the information; the estimated total amount of the charge and the basis for this estimate, and; details of how to complete the transaction.

In all cases the University will require that the requestor deposit the full amount into the specified account, prior to any resources being deployed to process the request.

If further steps are available to the requestor to reduce or remove the charge (e.g. further refinement of the request's scope), then this will also be communicated to the requestor at this time.

Work on the request will be suspended pending receipt of the payment.

### **Definitions**

**Official information** means any information held by an agency subject to the OIA. For the purposes of the Act, Massey is an agency.

Official information is not limited to documentary material, and includes material held in **any format** such as:

- written documents, reports, memoranda, letters, notes, emails and draft documents;
- non-written documentary information, such as material stored on or generated by computers, including databases, video or tape recordings;
- information which is known to an agency, but which has not yet been recorded in writing or otherwise (including knowledge of a particular matter held by an officer, employee or member of an agency in their official capacity);
- documents and manuals which set out the policies, principles, rules or guidelines for decision making by an agency; and
- the reasons for any decisions that have been made about a person.

An **Agency** includes those entities listed or described in Part 1 or Part 2 of Schedule 1 of the Ombudsmen Act 1975 (OA), or in Schedule 1 of the OIA, and includes:

- Ministers of the Crown in their official capacity;
- government departments and organisations, including the Police;
- crown entities and some state owned enterprises;
- district health boards;
- universities, polytechnics, colleges of education, wananga and other tertiary education institutions (but not private training establishments); and
- boards of trustees of state schools

#### **Audience:**

This policy applies to all officers and employees of the University, including contracted individuals, organisations and companies undertaking work on the University's behalf.

#### **Relevant Legislation:**

The **Official Information Act 1982**: The purposes of the Act include the promotion of good government and the enhancement of respect for the law by increasing the availability of official information progressively, in order to enable more effective public participation in the making and administration of laws and policies, and; to promote the accountability of Ministers and officials. The guiding principle of the Act is that information should be made available unless there is good reason for withholding it. The Act provides for an Agency to charge for the provision of such information.

#### **Related Procedures/Documents:**

[Official Information Act Charging Guidelines](#) (Ministry of Justice)

#### **Document Management and Control:**

Prepared by: Director Governance and Assurance

Authorised by: SLT

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