

## **Charging Policy for Local Government Official Information and Meetings Act 1987 Requests for Information**

### **Purpose**

The purpose of this policy is to set out Hastings District Council's charging policy for providing information under the Local Government Official Information and Meetings Act 1987 (LGOIMA).

### **Background**

The LGOIMA allows people to request official information held by local government agencies. It contains rules for how such requests should be handled and provides a right to complain to the Ombudsman in certain circumstances.

The principle of availability underpins the whole LGOIMA. The Act states that:

*The question whether any official information is to be made available... shall be determined, except where this Act otherwise expressly requires, in accordance with the purposes of this Act and the principle that the information shall be made available unless there is good reason for withholding it.*

This principle will be applied when Hastings District Council is considering how to best respond to a request for official information.

Councils can charge for the supply of information under the LGOIMA (s 13(1A)). Any charge fixed must be 'reasonable' and 'regard may be had to the cost of the labour and materials involved in making the information available'.

### **Charging for LGOIMA**

Council will not generally charge for information requests. If a request is for a significant amount of information and/or requires considerable labour and materials, or Council has received numerous requests from the same person in a short timeframe which aggregated requires a large amount of staff resource to respond to the party, Council may consider imposing a charge.

Charges can be made for making the information available; including time spent retrieving and collating the information and preparing it for release. However, charges cannot be made for the time spent or any expenses incurred in deciding whether to release the information.

This Policy is based on the Ministry of Justice Guidelines for Official Information Requests and the Ombudsman's Guide to Charging for Official Information under the Official Information Act and LGOIMA.

- The first one hour of time will not be charged for.
- The first twenty pages of photocopying will not be charged for.
- Hastings District Council can recover any other actual costs relating to providing a response:
  - \$38 per half hour of staff time more than one hour; and
  - \$0.20 per page for photocopying more than 20 pages
  - Additional charges can be made for labour, materials, and other direct costs.

Further details are available in the Ministry of Justice's publication [Charging Guidelines for OIA Requests](#) and the Office of the Ombudsman publication [A guide to charging for official information under the OIA and LGOIMA](#).

If Council considers a charge is necessary, Council will advise the requestor of the maximum estimated cost of processing their request before Council begins working on it. The requestor will be asked to pay this cost in advance. The requestor can decide if they want to continue, withdraw, or refine the request.

In certain cases, charges can be reduced or cancelled if:

- there is a compelling public interest (e.g., requests from the media may come within the 'public interest') in making the information available; and/or
- meeting the charge would be likely to cause hardship to the requester.

Requestors can make a complaint to the Office of the Ombudsman regarding the proposed charge.