

Proactive Release of Official Information policy

Objective

This Official Information and Proactive Release Policy describes how the Health Quality and Safety Commission (the Commission) will ensure that we meet the spirit and the letter of the Official Information Act 1982 and comply with initiatives to increase the availability of official information.

Applies to:

This policy applies to everyone in the Commission, including seconded, contracted and temporary staff (together referred to in this policy as 'employees').

Definitions:

Official information generally means any information held by the department or its employees.¹ It includes, for example:

- documents, reports, memoranda, letters, texts, emails and drafts
- non-written information, such as video or tape recordings
- manuals which set out internal rules, principles, policies or guidelines for decision making
- information which is known to an agency but has not yet been written down.

Principles

- The Commission will observe the spirit and comply with the requirements of the OIA.
- In line with the OIA's purpose of progressively increasing the availability of official information, the Commission has established internal policies and practices that support increased proactive release, including the publication of appropriate OIA responses.
- The Commission will exercise due diligence before proactively making official information available and assess the potential effect of releasing information including considerations relevant to the preservation of personal privacy.
- Releases of information are made on a "no surprises" basis, which means the Chief Executive and where appropriate, the responsible Minister should be informed of the release in advance.

¹ Section 2 of the Official Information Act 1982

Policy Statements

The Commission acknowledges that under New Zealand's Open Government Partnership third [National Action Plan 2018-2020](#), the Government has committed to improving agency practices around proactive release of information and requests for official information under the OIA, and will adopt and implement appropriate processes and procedures to this effect.

The Commission will regularly and progressively publish more of its information proactively to enhance public access to information and to reduce the need for information to be requested under the OIA.

Proactive release of information promotes good government, openness and transparency and fosters public trust and confidence in agencies. It can also help reduce the administrative burden on individuals to make requests for information, and on agencies in responding to requests.

Proactive release of information

Proactive release of information can be either:

- The publication of official information which we believe to be of interest to the wider public - for example this could include corporate information such as our Statement of Intent, Statement of Performance expectation and briefings to incoming Ministers or the Ministry of Health
- The publication of information that we have provided in response to a request under the OIA.

Procedure for proactive release of information

Before information is proactively released² our relevant considerations will include:

- the guidance set out in the Cabinet Manual paras 8.4 and 8.14 – 19 and Cabinet Office Notice (15) 3. Only Ministers may approve the proactive release of Cabinet material³⁴
- the requirements of the Privacy Act 1993⁵
- The Protective Security Requirements⁶

² Proactive release guidance <https://ssc.govt.nz/assets/Legacy/resources/oia-proactive-release-dec2017.pdf>

³ The Commission does not write Cabinet papers currently

⁴ CO (18) 4 – Proactive release of Cabinet material – updated requirements

<https://dpmc.govt.nz/publications/co-18-4-proactive-release-cabinet-material-updated-requirements>

⁵ Source: <http://www.legislation.govt.nz/act/public/1993/0028/latest/DLM297038.html>

⁶ Source: <https://www.nzsis.govt.nz/our-work/protective-security-advice/protective-security-requirements/>

- The Commission's Mortality Review Committees are not subject to the OIA process

We will also consider any legal risk to the Commission.

The Commission may choose to make redactions to proactively published information. Where appropriate these redactions will be identified with the related sections of the OIA. If redactions have been made to documents which have been proactively released and it is determined at a later date that more information can be made available, we will revise and update our published responses.

Approach to official information requests

We will adhere to the statutory timeframes for responding to requests and provide practical assistance to the public to help them make requests for official information. In interpreting the request, we will consider the intent of that request and give reasonable assistance to the requestor to ensure their needs are met. We will regularly review and monitor our performance and capability to respond to requests for official information. We will fully cooperate with any Ombudsman investigations into our decisions and action and correct any accepted deficiencies that are identified.

Decisions will be made pursuant to the delegation by the Chief Executive of the Commission relating to the functions and powers under the Official Information Act 1982.

Proactive release of information not subject to a request

We will publish information that informs the public about how we undertake our functions. We will consider for publication our corporate information, reports and advice to our Ministers.

Proactive release of OIA responses

Once a quarter we will publish responses to OIA requests that are appropriate for wider publication. When deciding whether to proactively publish a response to a request, relevant considerations may include:

- Whether there has been more than one request for the information, or on the topic the information covers;
- Whether the information would be of general interest to the public. This may include information where a request has not previously been received;

Whether release of the information to an audience wider than the requester would create any legal risk to the Commission.

We will advise requesters of official information that our response to them, and the information we provide may be published on our website. Before publication, we will remove personal details that would reveal the identity of the requester.

Reporting

Every 6 months we will provide comprehensive information on the number of OIA requests we receive and the number of complaints we are notified of by an Ombudsman, to the State Services Commission and advise how we met the timeliness requirements of the Official Information Act 1982.

This information will be published online in alignment with other Government agencies in the

Version	2.0	Contact	Karen Orsborn – Deputy Chief Executive
Status	Final	Approved by:	Dr Janice Wilson – Chief Executive
Date for review	July 2021	HQSC OIA POL	HQSC OIA POL 001

public sector every six months.