

# Fair and reasonable response to mushrooming OIA requests

**By Geoff Bascand, Deputy Governor, Reserve Bank of New Zealand**

The Reserve Bank has established a policy on when it will charge for responses to Official Information Act (OIA) requests that has drawn the ire of some critics. Far from it being *An obstacle in the path of freedom* that the DomPost editorial writer claimed (18 January), the policy is a common, fair and reasonable response to a marked growth of OIA requests. I'd like to explain our rationale, and what the policy means for requesters – most of whom will likely not be charged.

Our approach is consistent with the Official Information Act and meets the Bank's commitment to transparency. Like all public sector organisations, the Reserve Bank must promote public accountability by providing proper access to information, unless there are good reasons to protect it. We publish most responses to OIA requests for universal access.

Official organisations – and therefore taxpayers and ratepayers – usually bear the cost of providing responses to OIA requests, but the Official Information Act recognises that some requests can be so onerous that responding lies beyond the organisation's normal resources.

In these circumstances, the Ombudsman considers it is reasonable that requesters bear some of the associated costs. We have considered several cases when:

- requests are for very large amounts of information;
- a response to a request is particularly complex; or
- a requester makes frequent requests.

Over the past five years, we have seen an increase in OIA requests of almost 300 percent, several of which have taken many days of work. Like other public sector agencies, our budget is tightly constrained.

When developing the policy, we liaised with the Office of the Ombudsman and examined other agencies' policies. Our policy is consistent with the Ministry of Justice Guidelines for the public sector on charging.

While the policy applies to all OIA requests, in practice we will seek charges when requests are large, complex, or frequent. Importantly, it requires us to work with the requester to refine their request to a scale that is less likely to incur costs. We expect most requests will not incur charges.

We have taken an even-handed approach: charges are based on the volume of work required to provide information, and it applies equally to individuals, trade and industry bodies, companies, news media, bloggers, etc.

Since the policy was introduced we've responded to seven OIA requests and sought charges for two of them because most could be addressed without collating large amounts of information.

The particular charge that sparked recent commentary arose because providing the information requested would take an estimated 8½ hours of chargeable time (along with additional non-chargeable time). We gave the requester several opportunities to refine the request so that

charges would be cut or eliminated. He chose to withdraw the request rather than refine it any further.

We can reduce or waive charges if they might cause financial hardship for the requester, or if releasing the information is likely to contribute significantly to public understanding of the Reserve Bank and its work.

A balanced approach with reasonable charges for large requests for information and a willingness to work with requestors seems unlikely to imperil democracy in New Zealand. Instead it makes these easier to manage, and helps the Bank fulfil the OIA in making valuable information publically available.