

18 January 2022

s 9(2)(a)

Ref: H202117385

Tēnā koe s 9(2)(a)

Response to your request for official information

Thank you for your request under the Official Information Act 1982 (the Act) on 10 December 2021 for information relating to statistics on OIA complaints. You stated:

there have been a number of cases recently where the Ombudsman has ruled against the Ministry of Health on OIA issues, resulting in an apology (see e.g. the Ombudsman's recent casenote on "Delay in responding to a request for information about cannabis-related medicines", or "Contact tracing report into Covid 19 Delta outbreak: 'Stretched with no more than 75 cases a day'", NZ Herald, 8 December 2021).

Before responding to your specific request, I would like to provide some background to the Ministry's processes for responding to requests under the Act. The Ministry takes its responsibilities under the Act seriously, as outlined in its Official Information Act Policy, which is publicly available at: www.health.govt.nz/system/files/documents/pages/oia_policy_final.pdf.

In the last two years, the Ministry has experienced a significant increase in the numbers of requests for information under the Act, reflecting public interest in the health response to the COVID-19 global pandemic, the COVID-19 vaccination and immunisation programme, and the Government's reforms to the public health system. In period from 1 January to 30 June 2021, the Ministry completed 1042 responses under the Act, with 96.4 percent meeting statutory timelines. This compared with the same period in 2019, when 690 responses were completed, with 96.5 percent on time. This represents an increase of 51 percent over the two periods. While the statistics for the latest reporting period (1 July to 31 December 2021) have yet to be reported to the Public Service Commission. I can advise that they will show yet a further significant increase in volumes.

I will now respond to each part of your request below.

** The number of times in the past year the Ministry of Health has apologised of its own volition to an OIA requester for the handling of their request;*

The Ministry of Health (the Ministry) does not hold a consolidated record of this information. However, on occasion the Ministry issue apologies to requesters, such as where:

- it has not been able to process a request and provide a decision within the statutory timeframe and does not have legal grounds to extend the request. In this case the Ministry also provides an estimated time for response; or

- it has made or communicated a decision on a request in error. In this case the Ministry would provide an updated response.

** The number of times in the past year they have apologised to an OIA requester for the handling of their request because the Ombudsman recommended they do so;*

The Ministry has apologised to a requester four times since 1 December 2020, on recommendation from the Chief Ombudsman following a complaint regarding an OIA decision. The Ministry has also proactively apologised on two occasions to requesters following a complaint to the Office of the Ombudsman.

** The number of times in the past year they have received recommendations from the Ombudsman for actions other than an apology in relation to an OIA complaint, and in each case, a list of what was recommended and whether it has been done.*

The Ministry has received recommendations (other than to apologise) in seven Ombudsman investigations. The recommendations have all been completed. These were:

- to release information previously withheld
- to make and communicate a new decision on information previously withheld or refused.

The following link provides the latest OIA data released by the Ombudsman at:

www.ombudsman.parliament.nz/news/latest-oia-and-first-set-lgoima-data-released-ombudsman.

I trust this information fulfils your request. Under section 28(3) of the Act, you have the right to ask the Ombudsman to review any decisions made under this request. The Ombudsman may be contacted by email at: info@ombudsman.parliament.nz or by calling 0800 802 602.

Nāku noa, nā



Elisabeth Brunt
Group Manager, Government Services
Office of the Director-General