



KVH Official Information Act Policy

February 2025

Introduction:

The Official Information Act 1982 provides that official information held by a body such as Kiwifruit Vine Health (KVH) should be made available, unless good reason exists for withholding such information.

Purpose:

The purpose of this policy is to set out KVH's responsibilities:

- Under the Official Information Act (OIA) and the Privacy Act, in relation to releasing and withholding official and personal information; and
- With respect to investigations by the Ombudsman or the Privacy Commissioner into KVH's decisions under the Official Information Act, the Privacy Act and generally.

Definitions:

Most information created or held by KVH is "official information" under the OIA. The Privacy Act 1993 applies to "personal information" held about an identifiable individual.

Scope:

The Privacy Act 1993 applies to all requests from individuals for access to and correction of their personal information, even if the Act is not mentioned in the request from:

- A New Zealand citizen; or a permanent resident of New Zealand or a person who is in New Zealand;
- Any body corporate (eg, a company or a trust or incorporated society) that is incorporated in the NZ Companies Office or that has a place of business in New Zealand.

However, the OIA does not apply to requests for information from persons that do not fall within section 12 of the OIA and KVH have no obligation to provide any information. In such a case, it is still necessary to provide a response and explain the reason for refusing the request.

The OIA essentially covers any information KVH has created or holds or what is held on our behalf. This includes:

- paper filing systems
- electronic systems
- archive storage
- information held by independent contractors working on KVH behalf
- recollections of information from employees not otherwise physically recorded anywhere.

This includes information:

- in draft form

- not on KVH letterhead
- a label, marking or other writing that identifies | describes anything of which it forms a part or to which it is attached by any means
- presentations, maps, graphs, articles plans or drawings
- photographs, negatives, tapes, video film or other device that stores visual or audio content
- diary notes, informal meeting or discussion notes and oral advice given.

Delegations:

Although the KVH Senior Administrator will be responsible for processing any OIA requests, the following information may only be released or withheld upon the KVH Chief Executive's authority:

- make decisions to withhold or to release official or personal information
- extend time limit in respect of decisions
- fix a charge payable for official information.

Procedures:

1. Requests for Information:

a) Requests for KVH official information should be made in writing to:

KVH
PO BOX 4246
Mt Maunganui South 3149
info@kvh.org.nz

- b) The Senior Administrator will log the request in an electronic database, acknowledge the request, determine if an extension is required or a charge applicable and process the request accordingly.
- c) A request must be answered as soon as reasonably practical and no later than 20 working days. A requestor may ask that the request be treated as urgent, but reasons should be provided for seeking urgency.
- d) The time limit for answering requests may be extended in some cases, but the applicant will be told of the extension and the reason for it.
- e) Most requests will be answered free of charge however if considerable research and | or resources are required for a particular request then KVH have the option to charge an appropriate fee for this request.
- f) If a request is refused, (see Section 3) the applicant will be told the reason for refusal and the process to be followed in regard to lodging an appeal with the Ombudsman.

KVH will endeavour to provide the information in the form requested (unless to do so would be contrary to a legal duty, or prejudice the interests protected by withholding grounds). For example KVH could:

- Provide reasonable opportunity to inspect the document
- Provide a copy of the document
- Make arrangements for the person to hear or view any relevant sounds or images
- Provide a transcript, excerpt, summary or oral information with respect to words recorded or in a document
- Provide information with deletions or alterations as are necessary to preserve the interests protected by the withholding grounds.

2. Timing and extension of timeframe for responding to requests

- KVH will ensure that any OIA requests are processed within the 20 working day timeframe as set out in S12. If considerable research is warranted, then KVH may extend the time required to respond to the request provided

- If an extension is required then KVH will ensure that the person making the request has been advised of the period of extension, the reason for the extension and Ombudsman Complaint procedures and other information as necessary.

3. The request may be refused for the following reasons:

- Prejudice to security, defence or international relations of New Zealand
- Prejudice to the maintenance of the law
- Endangerment of a person's safety or to damage seriously the NZ economy including overseas trade agreements
- Endangering the safety of any person(s)
- Protect the privacy of natural persons (including deceased)
- The health and safety of the public
- Avoid prejudice to the substantial economic interests of New Zealand
- Commercial sensitivity & Trade secrets
- Is subject to an obligation of Confidence (this does not protect against any briefing or advice to Ministers)
- Avoid prejudice to measures that prevent or mitigate material loss to members of the public
- Free and frank expression of opinion(s)
- Legal professional privilege
- Protecting officers and employees from improper pressure or harassment
- Carry out commercial activities without prejudice or disadvantage
- Carry out commercial and industrial negotiations without prejudice
- Prevent the disclosure or use of official information for improper gain or improper advantage
- The information requested will soon be publically available
- The document alleged to contain the information requested does not exist or cannot be found
- The information requested cannot be made available without substantial collation or research
- The information is not held by KVH and the person dealing with the request has no grounds for believing it is held elsewhere
- The request is frivolous or vexatious or the information requested is trivial.

Should a request be declined then the reasons for the refusal be advised to the applicant (unless the giving of the grounds would in itself prejudice the interests sought to be protected by the refusal of the request); and

Give the applicant the information regarding the applicants' right to seek an investigation and review by way of complaint to the Ombudsman.

4. Charging for release of information

The OIA provides the ability to charge the applicant for reasonable administrative costs associated with retrieving, collating and releasing the information. KVH will adhere to the Ministry of Justice *Charging Guidelines for Official Information Act Request*.

The current rate for fees is:

- An initial charge of \$38.00 for the first chargeable half hour or part thereof; and
- then \$38.00 for each additional half hour or part thereof.

Photocopying or printing on standard A4 or foolscap paper where the total number of pages is in excess of 20 pages will be charged out as follows:

- 20c for each page after the first 20 pages.

All other costs incurred will be at an amount which recovers up to the actual costs involved. This could include:

- Provision of documents on computer discs;
- Retrieval of information off site;

- Reproducing a film, video or audio recording;
- Arranging for an applicant to hear or view an audio or visual recording; and
- Providing a copy of any map, plan or other document larger than foolscap size.

Whether a request should be charged for is at KVH Chief Executive's discretion. Once KVH provides notice of a charge, the 20-day period stops as a decision has been made about their request. Upon confirmation of payment the information must be released to the applicant.

5. Review of an OIA by the Ombudsman

Following a letter from the office of the Ombudsman, KVH will promptly furnish to the Ombudsman all information, documents, paper or things within 20 days of the request being received.

All KVH responses to the Ombudsman must be checked and signed off by the KVH Chief Executive.

6. Key legislation and related policies, procedures and guidance

- Official Information Act 1982
- Privacy Act 2020
- Ministry of Justice charging guidelines
- Ombudsman guidance and templates for processing OIA requests

Official Information Act Flowchart

