

An Act to make official information more freely available, to provide for proper access by each person to official information relating to that person, to protect official information to the extent consistent with the public interest and the preservation of personal privacy, to establish procedures for the achievement of those purposes, and to repeal the Official Secrets Act 1951

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:

1 Short Title and commencement

(1) This Act may be cited as the Official Information Act 1982.

(2) Except as provided in subsection (3) of this section, this Act shall come into force on the 1st day of July 1983.

(3) This section, and Part 6 of, and Schedule 2 to, this Act shall come into force on the day on which this Act receives the Governor-General's assent.

2 Interpretation

(1) In this Act, unless the context otherwise requires,—

Authority

[Repealed]

Authority: this definition was repealed, as from 30 June 1988, by section 53(a)(i) of this Act.

Department means a Government Department named in Part 1 of Schedule 1 to the [Ombudsmen Act 1975](#) (other than the Parliamentary Counsel Office)

Department: this definition was amended, as from 1 October 1985, by section 71(1) Parliamentary Service Act 1985 (1985 No 128) by omitting the words “the Legislative Department and”.

Document means a document in any form; and includes—

(a) Any writing on any material:

(b) Any information recorded or stored by means of any tape-recorder, computer, or other device; and any material subsequently derived from information so recorded or stored:

(c) Any label, marking, or other writing that identifies or describes any thing of which it forms part, or to which it is attached by any means:

(d) Any book, map, plan, graph, or drawing:

(e) Any photograph, film, negative, tape, or other device in which one or more visual images are embodied so as to be capable (with or without the aid of some other equipment) of being reproduced:

Enactment means any provision of—

(a) Any Act of Parliament; or

(b) Any regulations within the meaning of the [Acts and Regulations Publication Act 1989](#) made by Order in Council:

International organisation means any organisation of States or Governments of States or any organ or agency of any such organisation; and includes the Commonwealth Secretariat

Local authority means a local authority or public body named or specified in Schedule 1 to the [Local Government Official Information and Meetings Act 1987](#)

Local authority: this definition was inserted, as from 1 March 1988, by section 57(1)

Local Government Official Information and Meetings Act 1987 (1987 No 174). See section 1(2) of that Act.

Member means, in relation to an organisation, any person (not being an officer or employee of the organisation) who, whether by election or appointment or otherwise, holds office as a member of the organisation; and includes—

- (a) Where the organisation is a company or corporation, a director; and
- (b) Where the organisation is a trust, a trustee; and
- (c) Any temporary, acting, or alternative member of the organisation:

Member: this definition was inserted, as from 1 April 1987, by section [2\(1\)](#) Official Information Amendment Act 1987 (1987 No 8).

Official information—

(a) Means any information held by—

- (i) A Department; or
- (ii) A Minister of the Crown in his official capacity; or
- (iii) An organisation; and

(b) Includes any information held outside New Zealand by any branch or post of—

- (i) A Department; or
- (ii) An organisation; and

(c) In relation to information held by the Department for Courts, includes information held by the Rules Committee appointed under section [51B](#) of the [Judicature Act 1908](#); and

(d) In relation to information held by a University (including Lincoln College), includes only information held by—

- (i) The Council of the University; or
- (ii) The Senate, Academic Board, or Professorial Board of the University; or
- (iii) Any member of the academic staff of the University; or
- (iv) Any other officer or employee of the University; or
- (v) Any examiner, assessor, or moderator in any subject or examination taught or conducted by the University; but

(e) Does not include information contained in—

(i) Library or museum material made or acquired and preserved solely for reference or exhibition purposes; or

(ii) Material placed in the National Library of New Zealand by or on behalf of persons other than Ministers of the Crown in their official capacity or Departments; or

(iii) any oral history provided to the National Library of New Zealand Te Puna Mātauranga o Aotearoa in accordance with section [10](#) of the [National Library of New Zealand \(Te Puna Mātauranga o Aotearoa\) Act 2003](#); and

(f) Does not include any information which is held by a Department, Minister of the Crown, or organisation solely as an agent or for the sole purpose of safe custody and which is so held on behalf of a person other than a Department or a Minister of the Crown in his official capacity or an organisation; and

(g) does not include any information held by Public Trust or the Maori Trustee—

- (i) in their capacity as trustee within the meaning of the [Trustee Act 1956](#); or
- (ii) in any other fiduciary capacity; and

(h) Does not include evidence given or submissions made to—

- (i) A Royal Commission; or
- (ii) A commission of inquiry appointed by an Order in Council made under the [Commissions of Inquiry Act 1908](#); or

(iii) A commission of inquiry or board of inquiry or Court of inquiry or committee of inquiry appointed, pursuant to, and not by, any provision of an Act, to inquire into a specified matter; and

(i) Does not include information contained in any correspondence or communication which has taken place between the office of the Ombudsmen and any Department or Minister of the Crown or organisation and which relates to an investigation conducted by an Ombudsman under this Act or under the [Ombudsmen Act 1975](#), other than information that came into existence before the commencement of that investigation; and

(j) Does not include information contained in any correspondence or communication that has taken place between the office of the Privacy Commissioner and any Department or Minister of the Crown or organisation and that relates to any investigation conducted by the Privacy Commissioner under the [Privacy Act 1993](#), other than information that came into existence before the commencement of that investigation

(k) does not include information contained in a victim impact statement (as defined in section [22](#) of the [Victims' Rights Act 2002](#)).

(l) does not include any evidence, submissions, or other information given or made to—

(i) the Judicial Conduct Commissioner, or a Judicial Conduct Panel, in relation to any matter under the [Judicial Conduct Commissioner and Judicial Conduct Panel Act 2004](#);

or

(ii) the Judicial Complaints Lay Observer

Official information: paragraph (c) of this definition was substituted, as from 1 October 1995, by section [10\(3\)](#) Department of Justice (Restructuring) Act 1995 (1995 No 39).

Official information: paragraph (d) was repealed, as from 1 October 1985, by section 71(2) Parliamentary Service Act 1985 (1985 No 128).

Official information: paragraph (d) was inserted, as from 1 April 1987, by section [2\(2\)](#) Official Information Amendment Act 1987 (1987 No 8).

Official information: paragraph (e)(ii) of this definition was amended, as from 6 May 2003, by section [47](#) National Library of New Zealand (Te Puna Matauranga o Aotearoa) Act 2003 (2003 No 19) by substituting the expression “; or” for the expression “; and”.

Official information: paragraph (e)(iii) was inserted, as from 6 May 2003, by section [47](#) National Library of New Zealand (Te Puna Matauranga o Aotearoa) Act 2003 (2003 No 19).

Official information: paragraph (g) of this definition was substituted, as from 1 March 2002, by section [170\(1\)](#) Public Trust Act 2001 (2001 No 100). See clause [2 Public Trust Act Commencement Order 2002](#) (SR 2002/11).

Official information: paragraph (h) was amended, as from 1 April 1987, by section [2\(3\)](#) Official Information Amendment Act 1987 (1987 No 8) by inserting the expression “; and”.

Official information: paragraph (i) was inserted, as from 1 April 1987, by section [2\(4\)](#) Official Information Amendment Act 1987 (1987 No 8).

Official information: paragraph (i) was amended, as from 1 April 1987, by section [2\(1\)](#) Official Information Amendment Act 1993 (1993 No 36) by inserting the expression “; and”.

Official information: paragraph (j) was inserted, as from 1 July 1993, by section [2\(2\)](#) Official Information Amendment Act 1993 (1993 No 36).

Official information: paragraph (k) was inserted, as from 19 December 2002, by section [53](#) Victims' Rights Act 2002 (2002 No 39).

Official information: paragraph (l) was inserted, as from 1 August 2005, by section [35\(1\)](#) Judicial Conduct Commissioner and Judicial Conduct Panel Act 2004 (2004 No 38). See clause [2](#) [Judicial Conduct Commissioner and Judicial Conduct Panel Act Commencement Order 2005](#) (SR 2005/167).

Ombudsmen means the Ombudsmen holding office under the [Ombudsmen Act 1975](#)
Organisation means—

(a) An organisation named in Part [2](#) of Schedule 1 to the [Ombudsmen Act 1975](#) (other than the Parliamentary Service or mortality review committees):

(b) An organisation named in Schedule [1](#) to this Act:

Organisation: this definition was amended, as from 1 October 1985, by section 71(3) Parliamentary Service Act 1985 (1985 No 128) by inserting the words “(other than the Parliamentary Service Commission)”.

Organisation: this definition was further amended, as from 1 July 2000, by section [38](#) Parliamentary Service Act 2000 (2000 No 17) by substituting the words “(other than the Parliamentary Service)” for the words “(other than the Parliamentary Service Commission)”.

Organisation: this definition was further amended, as from 1 January 2001, by section [111\(1\)](#) New Zealand Public Health and Disability Act 2000 (2000 No 91) by inserting, after the words “Parliamentary Service”, the words “or mortality review committees”.

Permanent resident of New Zealand means a person who—

(a) Resides in New Zealand; and

(b) Is not—

(i) A person to whom section [7](#) of the [Immigration Act 1987](#) applies; or

(ii) A person obliged, by or pursuant to that Act, to leave New Zealand immediately or within a specified time; or

(iii) Deemed for the purposes of that Act to be in New Zealand unlawfully:

Permanent resident of New Zealand: Paragraph (b) was substituted, as from 1 November 1987, by section [151\(1\)](#) Immigration Act 1987 (1987 No 74). See section [1\(2\)](#) of that Act and Immigration Act Commencement Order 1987 (SR 1987/300).

Person includes a corporation sole, and also a body of persons, whether corporate or unincorporate

Personal information means any official information held about an identifiable person

Prohibited immigrant

[Repealed]

Prohibited immigrant: this definition was omitted, as from 1 November 1987, by sections [1\(2\)](#) and [151\(1\)](#) Immigration Act 1987 (1987 No 74).

State enterprise means—

(a) An organisation that is a State enterprise within the meaning of section [2](#) of the [State-Owned Enterprises Act 1986](#) and that is named in Schedule [1](#) to this Act:

(b) An organisation that was a State enterprise within the meaning of section [2](#) of the [State-Owned Enterprises Act 1986](#) but which continues to be named in Schedule [1](#) to this Act:

State enterprise: this definition was inserted, as from 10 April 1992, by section 2(1) Official Information Amendment Act 1992 (1992 No 24).

Statutory officer means a person—

- (a) Holding or performing the duties of an office established by an enactment; or
- (b) Performing duties expressly conferred on him by virtue of his office by an enactment:

Subsidiary

[Repealed]

Subsidiary: this definition was repealed, as from 1 April 1987, by section 2(5) Official Information Amendment Act 1987 (1987 No 8).

Working day means any day of the week other than—

- (a) Saturday, Sunday, Good Friday, Easter Monday, Anzac Day, Labour Day, the Sovereign's birthday, and Waitangi Day; and
- (b) A day in the period commencing with the 25th day of December in any year and ending with the 15th day of January in the following year.

Working day: this definition was inserted, as from 1 April 1987, by section [2\(5\)](#) Official Information Amendment Act 1987 (1987 No 8).

(1A) For the purposes of Schedule [1](#) to this Act, a company is a related company of a State enterprise if the State enterprise, whether alone or together with any other State enterprise, directly or indirectly owns, or controls the exercise of all the voting rights attaching to,—

- (a) In the case of a company registered under the Companies Act 1955, the equity share capital (as defined in section 158 of that Act) of the company; or
 - (b) In the case of a company registered under the [Companies Act 1993](#), the issued shares of the company, (other than shares that carry no right to participate beyond a specified amount in a distribution of either profits or capital),—
- as the case may be.

(2) Where information is held by an unincorporated body (being a board, council, committee, subcommittee, or other body, but not being a mortality review committee)—

- (a) Which is established for the purpose of assisting or advising, or performing functions connected with, any Department or Minister of the Crown or organisation; and
 - (b) Which is so established in accordance with the provisions of any enactment or by any Department or Minister of the Crown or organisation,—
- that information shall, for the purposes of this Act, be deemed—
- (c) In any case where that body is established in respect of any Department or organisation, to be information held by that Department or organisation; and
 - (d) In any case where that body is established in respect of a Minister of the Crown, to be information held by that Minister.

(3) Where subsection [\(2\)](#) of this section applies in respect of any unincorporated body and that body is established for the purpose of assisting, advising, or performing functions connected with any Department or organisation, that unincorporated body shall, for the purposes of this Act, be deemed to be part of that Department or organisation.

(4) Subject to subsection [\(4A\)](#) of this section, information held by an officer or employee or member of a Department or organisation in that person's capacity as

such an officer or employee or member or in that person's capacity as a statutory officer shall, for the purposes of this Act, be deemed to be held by the Department or organisation of which that person is an officer or employee or member.

(4A) Nothing in subsection (4) of this section applies in respect of any information that any officer or employee or member of a Department or organisation would not hold but for that person's membership of, or connection with, a body other than a Department or organisation, except where that membership or connection is in that person's capacity as an officer or employee or member of that Department or organisation or as a statutory officer.

(5) Any information held by an independent contractor engaged by any Department or Minister of the Crown or organisation in his capacity as such contractor shall, for the purposes of this Act, be deemed to be held by the Department or Minister of the Crown or organisation.

(6) For the avoidance of doubt, it is hereby declared that the terms Department and organisation do not include—

(a) A Court; or

(b) In relation to its judicial functions, a Tribunal; or

(ba) in relation to its judicial functions, a Crown entity within the meaning of the [Crown Entities Act 2004](#); or.

(c) A Royal Commission; or

(d) A commission of inquiry appointed by an Order in Council made under the [Commissions of Inquiry Act 1908](#); or

(e) A commission of inquiry or board of inquiry or Court of inquiry or committee of inquiry appointed, pursuant to, and not by, any provision of an Act, to inquire into a specified matter.

(f) the Judicial Conduct Commissioner or a Judicial Conduct Panel under the [Judicial Conduct Commissioner and Judicial Conduct Panel Act 2004](#); or

(g) the Judicial Complaints Lay Observer.

Subsection (1A) was inserted, as from 10 April 1992, by section 2(2) Official Information Amendment Act 1992 (1992 No 24)

Subsection (1A) was substituted, as from 1 July 1994, by section 2 Company Law Reform (Transitional Provisions) Act 1994 (1994 No 16).

Subsection (2) was amended, as from 1 January 2001, by section 111(1) New Zealand Public Health and Disability Act 2000 (2000 No 91) by inserting, after the words “(being a board, council, committee, subcommittee, or other body”, the words “, but not being a mortality review committee”.

Subsection (3) was amended, as from 12 December 1983, by section 2 Official Information Amendment Act 1983 (1983 No 83) by substituting the word “connected” for the word “conducted”.

Subsection (4) was amended, as from 1 April 1987, by section 2(6) Official Information Amendment Act 1987 (1987 No 8).

Subsection (4) was substituted, as from 1 July 1993, by section 2(3) Official Information Amendment Act 1993 (1993 No 36).

Subsection (4A) was inserted, as from 1 July 1993, by section 2(3) Official Information Amendment Act 1993 (1993 No 36).

Subsection (6)(ba) was inserted, as from 25 January 2005, by section 200 Crown Entities Act 2004 (2004 No 115).

Subsection (6)(f) and (g) were inserted, as from 1 August 2005, by section [35\(2\)](#) Judicial Conduct Commissioner and Judicial Conduct Panel Act 2004 (2004 No 38). See clause [2](#) [Judicial Conduct Commissioner and Judicial Conduct Panel Act Commencement Order 2005](#) (SR 2005/167).

3 Act to bind the Crown

This Act shall bind the Crown.

Part 1

Purposes and criteria

4 Purposes

The purposes of this Act are, consistently with the principle of the Executive Government's responsibility to Parliament,—

(a) To increase progressively the availability of official information to the people of New Zealand in order—

(i) To enable their more effective participation in the making and administration of laws and policies; and

(ii) To promote the accountability of Ministers of the Crown and officials,— and thereby to enhance respect for the law and to promote the good government of New Zealand:

(b) To provide for proper access by each person to official information relating to that person:

(c) To protect official information to the extent consistent with the public interest and the preservation of personal privacy.

5 Principle of availability

The question whether any official information is to be made available, where that question arises under this Act, 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.

6 Conclusive reasons for withholding official information

Good reason for withholding official information exists, for the purpose of section [5](#) of this Act, if the making available of that information would be likely—

(a) To prejudice the security or defence of New Zealand or the international relations of the Government of New Zealand; or

(b) To prejudice the entrusting of information to the Government of New Zealand on a basis of confidence by—

(i) The government of any other country or any agency of such a government; or

(ii) Any international organisation; or

(c) To prejudice the maintenance of the law, including the prevention, investigation, and detection of offences, and the right to a fair trial; or

(d) To endanger the safety of any person; or

(e) To damage seriously the economy of New Zealand by disclosing prematurely decisions to change or continue Government economic or financial policies relating to—

(i) Exchange rates or the control of overseas exchange transactions:

(ii) The regulation of banking or credit:

(iii) Taxation:

(iv) The stability, control, and adjustment of prices of goods and services, rents, and other costs, and rates of wages, salaries, and other incomes:

(v) The borrowing of money by the Government of New Zealand:

(vi) The entering into of overseas trade agreements.

Paragraph (d) was substituted, and paragraph (e) inserted, as from 1 April 1987, by section [3](#) Official Information Amendment Act 1987 (1987 No 8).

7 Special reasons for withholding official information related to the Cook Islands, Tokelau, or Niue, or the Ross Dependency

Good reason for withholding information exists, for the purpose of section [5](#) of this Act, if the making available of the information would be likely—

(a) To prejudice the security or defence of—

(i) The self-governing state of the Cook Islands; or

(ii) The self-governing state of Niue; or

(iii) Tokelau; or

(iv) The Ross Dependency; or

(b) To prejudice relations between any of the Governments of—

(i) New Zealand;

(ii) The self-governing state of the Cook Islands;

(iii) The self-governing state of Niue; or

(c) To prejudice the international relations of the Governments of—

(i) The self-governing state of the Cook Islands; or

(ii) The self-governing state of Niue.

8

[Repealed]

Section 8 was repealed, as from 1 April 1987, by section [4\(1\)](#) Official Information Amendment Act 1987 (1987 No 8).

9 Other reasons for withholding official information

(1) Where this section applies, good reason for withholding official information exists, for the purpose of section [5](#) of this Act, unless, in the circumstances of the particular case, the withholding of that information is outweighed by other considerations which render it desirable, in the public interest, to make that information available.

(2) Subject to sections [6](#), [7](#), [10](#), and [18](#) of this Act, this section applies if, and only if, the withholding of the information is necessary to—

(a) Protect the privacy of natural persons, including that of deceased natural persons; or

(b) Protect information where the making available of the information—

(i) Would disclose a trade secret; or

(ii) Would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information; or

(ba) Protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information—

(i) Would be likely to prejudice the supply of similar information, or information from the same source, and it is in the public interest that such information should continue to be supplied; or

(ii) Would be likely otherwise to damage the public interest; or

(c) Avoid prejudice to measures protecting the health or safety of members of the public; or

(d) Avoid prejudice to the substantial economic interests of New Zealand; or

- (e) Avoid prejudice to measures that prevent or mitigate material loss to members of the public; or
- (f) Maintain the constitutional conventions for the time being which protect—
- (i) The confidentiality of communications by or with the Sovereign or her representative;
- (ii) Collective and individual ministerial responsibility;
- (iii) The political neutrality of officials;
- (iv) The confidentiality of advice tendered by Ministers of the Crown and officials; or
- (g) Maintain the effective conduct of public affairs through—
- (i) The free and frank expression of opinions by or between or to Ministers of the Crown or members of an organisation or officers and employees of any Department or organisation in the course of their duty; or
- (ii) The protection of such Ministers, members of organisations, officers, and employees from improper pressure or harassment; or
- (h) Maintain legal professional privilege; or
- (i) Enable a Minister of the Crown or any Department or organisation holding the information to carry out, without prejudice or disadvantage, commercial activities; or
- (j) Enable a Minister of the Crown or any Department or organisation holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations); or
- (k) Prevent the disclosure or use of official information for improper gain or improper advantage.

Subsection (2) was amended, as from 1 April 1987, by section [4\(2\)](#) Official Information Amendment Act 1987 (1987 No 8) by omitting the expression “8(1)”.

Subsection (2)(b) was substituted, as from 1 April 1987, and subsection (2)(ba) inserted, as from 1 April 1987, by section [5\(1\)](#) Official Information Amendment Act 1987 (1987 No 8).

Subsection (2)(g)(i) was amended, as from 1 April 1987, by section [5\(2\)](#) Official Information Amendment Act 1987 (1987 No 8) by inserting the words “or members of an organisation”.

Subsection (2)(g)(ii) was amended, as from 1 April 1987, by section [5\(3\)](#) Official Information Amendment Act 1987 (1987 No 8) by inserting the words “, members of organisations”.

Subsection (2)(i) and (j) were substituted, as from 1 April 1987, by section [5\(4\)](#) Official Information Amendment Act 1987 (1987 No 8).

10 Information concerning existence of certain information

Where a request under this Act relates to information to which section [6](#) or section [7](#) or section [9\(2\)\(b\)](#) of this Act applies, or would, if it existed, apply, the Department or Minister of the Crown or organisation dealing with the request may, if it or he is satisfied that the interest protected by section [6](#) or section [7](#) or section [9\(2\)\(b\)](#) of this Act would be likely to be prejudiced by the disclosure of the existence or non-existence of such information, give notice in writing to the applicant that it or he neither confirms nor denies the existence or non-existence of that information.

Section 10 was amended, as from 1 April 1987, by section [4\(2\)](#) Official Information Amendment Act 1987 (1987 No 8) by substituting the expression “section 9(2)(b)” for the expression “section 8(1)”.

11 Exclusion of public interest immunity

(1) Subject to subsection [\(2\)](#) of this section, the rule of law which authorises or requires the withholding of any document, or the refusal to answer any question, on the ground that the disclosure of the document or the answering of the question would be injurious to the public interest shall not apply in respect of—

- (a) Any investigation by or proceedings before an Ombudsman; or
- (b) Any application under section [4\(1\)](#) of the [Judicature Amendment Act 1972](#) for the review of any decision under this Act;

but not so as to give any party any information that he would not, apart from this section, be entitled to.

(2) Nothing in subsection [\(1\)](#) of this section affects—

- (a) Section [31](#) of this Act; or
- (b) Clause 8 of Schedule [2](#) to this Act; or
- (c) Section [20\(1\)](#) of the [Ombudsmen Act 1975](#).

Subsection (1)(a) was amended by section [53\(b\)](#) of this Act (as from the close of 30 June 1988) by omitting the words “or the Authority”.

Part 2

Requests for access to official information

12 Requests

(1) Any person, being—

- (a) A New Zealand citizen; or
- (b) A permanent resident of New Zealand; or
- (c) A person who is in New Zealand; or
- (d) A body corporate which is incorporated in New Zealand; or
- (e) A body corporate which is incorporated outside New Zealand but which has a place of business in New Zealand,—

may request a Department or Minister of the Crown or organisation to make available to him or it any specified official information.

(1A) Notwithstanding subsection [\(1\)](#) of this section, a request made, on or after the date of commencement of this subsection, by or on behalf of a natural person for access to any personal information which is about that person shall be deemed to be a request made pursuant to subclause [\(1\)\(b\)](#) of principle 6 of the [Privacy Act 1993](#), and shall be dealt with accordingly, and nothing in this Part or in Part [5](#) of this Act shall apply in relation to any such request.

(2) The official information requested shall be specified with due particularity in the request.

(3) If the person making the request asks that his request be treated as urgent, he shall give his reasons for seeking the information urgently.

Subsection (1) was substituted, as from 1 April 1987, section [6](#) Official Information Amendment Act 1987 (1987 No 8).

Subsection (1A) was inserted, as from 1 July 1993, by section [3](#) Official Information Amendment Act 1993 (1993 No 36).

13 Assistance

It is the duty of every Department, Minister of the Crown, and organisation to give reasonable assistance to a person, who—

- (a) Wishes to make a request in accordance with section [12](#) of this Act; or
- (b) In making a request under section [12](#) of this Act, has not made that request in accordance with that section; or

(c) Has not made his request to the appropriate Department or Minister of the Crown or organisation or local authority,—
to make a request in a manner that is in accordance with that section or to direct his request to the appropriate Department or Minister of the Crown or organisation or local authority.

Section 13 was amended, as from 1 April 1987, by section [57\(1\)](#) Local Government Official Information and Meetings Act 1987 (1987 No 174) by inserting the words “or local authority” in 2 places.

14 Transfer of requests

Where—

- (a) A request in accordance with section [12](#) of this Act is made to a Department or Minister of the Crown or organisation; and
- (b) The information to which the request relates—
 - (i) Is not held by the Department or Minister of the Crown or organisation but is believed by the person dealing with the request to be held by another Department or Minister of the Crown or organisation, or by a local authority; or
 - (ii) Is believed by the person dealing with the request to be more closely connected with the functions of another Department or Minister of the Crown or organisation, or of a local authority,—

the Department or Minister of the Crown or organisation to which the request is made shall promptly, and in any case not later than 10 working days after the day on which the request is received, transfer the request to the other Department or Minister of the Crown or organisation, or to that local authority, and inform the person making the request accordingly.

Section 14 was amended, as from 1 April 1987, by section [7\(1\)](#) Official Information Amendment Act 1987 (1987 No 8) by inserting the words “, and in any case not later than 10 working days after the day on which the request is received,”.

Section 14 was substituted, as from 1 March 1988, by section [57\(1\)](#) Local Government Official Information and Meetings Act 1987 (1987 No 174).

15 Decisions on requests

(1) Subject to this Act, the Department or Minister of the Crown or organisation to whom a request is made in accordance with section [12](#) or is transferred in accordance with section [14](#) of this Act or section [12](#) of the [Local Government Official Information and Meetings Act 1987](#) shall, as soon as reasonably practicable, and in any case not later than 20 working days after the day on which the request is received by that Department or Minister of the Crown or organisation,—

- (a) Decide whether the request is to be granted and, if it is to be granted, in what manner and for what charge (if any); and
- (b) Give or post to the person who made the request notice of the decision on the request.

(1A) Subject to section [24](#) of this Act, every Department or Minister of the Crown or organisation (including an organisation whose activities are funded in whole or in part by another person) may charge for the supply of official information under this Act.

(2) Any charge fixed shall be reasonable and regard may be had to the cost of the labour and materials involved in making the information available to and to any costs incurred pursuant to a request of the applicant to make the information available urgently.

(3) The Department or Minister of the Crown or organisation may require that the whole or part of any charge be paid in advance.

(4) Where a request in accordance with section [12](#) of this Act is made or transferred to a Department, the decision on that request shall be made by the permanent head of that Department or an officer or employee of that Department authorised by that permanent head unless that request is transferred in accordance with section [14](#) of this Act to another Department or to a Minister of the Crown or to an organisation or to a local authority.

(5) Nothing in subsection [\(4\)](#) of this section prevents the permanent head of a Department or any officer or employee of a Department from consulting a Minister of the Crown or any other person in relation to the decision that the permanent head or officer or employee proposes to make on any request made to the Department in accordance with section [12](#) of this Act or transferred to the Department in accordance with section [14](#) of this Act or section [12](#) of the [Local Government Official Information and Meetings Act 1987](#).

This section was substituted, as from 1 April 1987, by section [8\(1\)](#) Official Information Amendment Act 1987 (1987 No 8). See section [8\(2\)](#) of that Act.

Subsection (1A) was inserted, as from 1 December 1989, by section [2](#) Official Information Amendment Act 1989 (1989 No 122).

Subsections (1), (4), and (5) were amended, as from 1 March 1988, by section [57\(1\)](#) Local Government Official Information and Meetings Act 1987 (1987 No 174) by inserting the words “or section 12 of the Local Government Official Information and Meetings Act 1987”, “or to a local authority”, and “or section 12 of the Local Government Official Information and Meetings Act 1987”, respectively. See section [1\(2\)](#) of that Act.

15A Extension of time limits

(1) Where a request in accordance with section [12](#) of this Act is made or transferred to a Department or Minister of the Crown or organisation, the permanent head of that Department or an officer or employee of that Department authorised by that permanent head or that Minister of the Crown or that organisation may extend the time limit set out in section [14](#) or section [15\(1\)](#) of this Act in respect of the request if—

(a) The request is for a large quantity of official information or necessitates a search through a large quantity of information and meeting the original time limit would unreasonably interfere with the operations of the Department or the Minister of the Crown or the organisation; or

(b) Consultations necessary to make a decision on the request are such that a proper response to the request cannot reasonably be made within the original time limit.

(2) Any extension under subsection [\(1\)](#) of this section shall be for a reasonable period of time having regard to the circumstances.

(3) The extension shall be effected by giving or posting notice of the extension to the person who made the request within 20 working days after the day on which the request is received.

(4) The notice effecting the extension shall—

(a) Specify the period of the extension; and

(b) Give the reasons for the extension; and

(c) State that the person who made the request for the official information has the right, under section [28\(3\)](#) of this Act, to make a complaint to an Ombudsman about the extension; and

(d) Contain such other information as is necessary.

This section was inserted, as from 1 April 1987, by section [9\(1\)](#) Official Information Amendment Act 1987 (1987 No 8).

16 Documents

(1) Where the information requested by any person is comprised in a document, that information may be made available in one or more of the following ways:

(a) By giving the person a reasonable opportunity to inspect the document; or

(b) By providing the person with a copy of the document; or

(c) In the case of a document that is an article or thing from which sounds or visual images are capable of being reproduced, by making arrangements for the person to hear or view those sounds or visual images; or

(d) In the case of a document by which words are recorded in a manner in which they are capable of being reproduced in the form of sound or in which words are contained in the form of shorthand writing or in codified form, by providing the person with a written transcript of the words recorded or contained in the document; or

(e) By giving an excerpt or summary of the contents; or

(f) By furnishing oral information about its contents.

(2) Subject to section [17](#) of this Act, the Department or Minister of the Crown or organisation shall make the information available in the way preferred by the person requesting it unless to do so would—

(a) Impair efficient administration; or

(b) Be contrary to any legal duty of the Department or Minister of the Crown or organisation in respect of the document; or

(c) Prejudice the interests protected by section [6](#) or section [7](#) or section [9](#) of this Act and (in the case of the interests protected by section [9](#) of this Act) there is no countervailing public interest.

(3) Where the information is not provided in the way preferred by the person requesting it, the Department or Minister of the Crown or organisation shall, subject to section [10](#) of this Act, give to that person—

(a) The reason for not providing the information in that way; and

(b) If that person so requests, the grounds in support of that reason, unless the giving of those grounds would itself prejudice the interests protected by section [6](#) or section [7](#) or section [9](#) of this Act and (in the case of the interests protected by section [9](#) of this Act) there is no countervailing public interest.

Subsections (2)(c) and (3)(b) were amended, as from 1 April 1987, by section [4\(2\)](#) Official Information Amendment Act 1987 (1987 No 8) by omitting the expression “or section 8(1)”.

17 Deletion of information from documents

(1) Where the information requested is comprised in a document and there is good reason for withholding some of the information contained in that document, the other information in that document may be made available by making a copy of that document available with such deletions or alterations as are necessary.

(2) Where a copy of a document is made available under subsection [\(1\)](#) of this section, the Department or Minister of the Crown or organisation shall, subject to section [10](#) of this Act, give to the applicant—

(a) The reason for withholding the information; and

(b) If the applicant so requests, the grounds in support of that reason, unless the giving of those grounds would itself prejudice the interests protected by section [6](#) or section [7](#) or section [9](#) of this Act and (in the case of the interests protected by section [9](#) of this Act) there is no countervailing public interest.

Subsection (2)(b) was amended, as from 1 April 1987, by section [4\(2\)](#) Official Information Amendment Act 1987 (1987 No 8) by omitting the expression “or section [8\(1\)](#)”.

18 Refusal of requests

A request made in accordance with section [12](#) of this Act may be refused only for one or more of the following reasons, namely:

(a) That, by virtue of section [6](#) or section [7](#) or section [9](#) of this Act, there is good reason for withholding the information:

(b) That, by virtue of section [10](#) of this Act, the Department or Minister of the Crown or organisation does not confirm or deny the existence or non-existence of the information requested:

(c) That the making available of the information requested would—

(i) Be contrary to the provisions of a specified enactment; or

(ii) Constitute contempt of Court or of the House of Representatives:

(d) That the information requested is or will soon be publicly available:

(e) That the document alleged to contain the information requested does not exist or cannot be found:

(f) That the information requested cannot be made available without substantial collation or research:

(g) That the information requested is not held by the Department or Minister of the Crown or organisation and the person dealing with the request has no grounds for believing that the information is either—

(i) Held by another Department or Minister of the Crown or organisation or a local authority; or

(ii) Connected more closely with the functions of another Department or Minister of the Crown or organisation or of a local authority:

(h) That the request is frivolous or vexatious or that the information requested is trivial.

Paragraph (a) was amended, as from 1 April 1987, by section [4\(2\)](#) Official Information Amendment Act 1987 (1987 No 8) by omitting the expression “or section [8\(1\)](#)”.

Paragraph (c)(ii) was amended, as from 1 April 1987, by section [10](#) Official Information Amendment Act 1987 (1987 No 8) by substituting the words “the House of Representatives” for the word “Parliament”.

Paragraph (g)(i) and (ii) was amended, as from 1 March 1988, by section [57\(1\)](#) Local Government Official Information and Meetings Act 1987 (1987 No 174) by inserting the words “or a local authority” and the words “or of a local authority”, respectively. See section [1\(2\)](#) of that Act.

18A Requests involving substantial collation or research

(1) In deciding whether to refuse a request under section [18\(f\)](#), the Department, Minister of the Crown, or organisation must consider whether doing either or both of the following would enable the request to be granted:

(a) fixing a charge under section [15](#):

(b) extending the time limit under section [15A](#).

(2) For the purposes of refusing a request under section [18\(f\)](#), the Department, Minister of the Crown, or organisation may treat as a single request 2 or more requests from the same person—

(a) that are about the same subject matter or about similar subject matters; and

(b) that are received simultaneously or in short succession.

Sections 18A and 18B were inserted, as from 22 October 2003, by section [3](#) Official Information Amendment Act 2003 (2003 No 90).

18B Duty to consider consulting person if request likely to be refused under section [18\(e\)](#) or [\(f\)](#)

If a request is likely to be refused under section [18\(e\)](#) or [\(f\)](#), the Department, Minister of the Crown, or organisation must, before that request is refused, consider whether consulting with the person who made the request would assist that person to make the request in a form that would remove the reason for the refusal.

Sections 18A and 18B were inserted, as from 22 October 2003, by section [3](#) Official Information Amendment Act 2003 (2003 No 90).

19 Reason for refusal to be given

Where a request made in accordance with section [12](#) of this Act is refused, the Department or Minister of the Crown or organisation, shall,—

(a) Subject to section [10](#) of this Act, give to the applicant—

(i) The reason for its refusal; and

(ii) If the applicant so requests, the grounds in support of that reason, unless the giving of those grounds would itself prejudice the interests protected by section [6](#) or section [7](#) or section [9](#) of this Act and (in the case of the interests protected by section [9](#) of this Act) there is no countervailing public interest; and

(b) Give to the applicant information concerning the applicant's right, by way of complaint under section [28\(3\)](#) of this Act to an Ombudsman, to seek an investigation and review of the refusal.

Section 19(a)(ii) was amended, as from 1 April 1987, by section [4\(2\)](#) Official Information Amendment Act 1987 (1987 No 8) by omitting the expression “or section 8(1)”.

Section 19(b) was amended, as from 1 April 1987, by section [16\(2\)](#) Official Information Amendment Act 1987 (1987 No 8) by substituting the expression “section 28(3)” for the expression “section 28(2)”.

Part 3

Publication of, and access to, certain documents and information

20 Publication setting out functions of Departments and organisations

(1) The Ministry of Justice shall cause to be published, not later than the end of the year 1989, a publication that includes in respect of each Department and each organisation,—

(a) A description of its structure, functions, and responsibilities including those of any of its statutory officers or advisory committees; and

(b) A general description of the categories of documents held by it; and

(c) A description of all manuals, and similar types of documents which contain policies, principles, rules, or guidelines in accordance with which decisions or recommendations are made in respect of any person or body of persons in his or her or its personal capacity; and

(d) A statement of any information that needs to be available to members of the public who wish to obtain official information from the Department or organisation, which statement shall include particulars of the officer or officers to whom requests for official information or particular classes of information should be sent.

(2) The Ministry of Justice shall, at intervals of not more than 2 years, bring the material contained in the publication published under subsection [\(1\)](#) of this section up to date either by publishing a new edition of that publication or by publishing supplementary material.

(2A) In complying with subsection [\(2\)](#), the Ministry of Justice may publish a new edition or supplementary material on an Internet website and in an electronic form that is publicly accessible (at all reasonable times), so long as the Ministry also publishes that edition or material in any other manner and form that is necessary in the light of the need specified in subsection [\(4\)](#).

(3) Each Department and each organisation shall assist the Ministry of Justice to comply with subsections [\(1\)](#) and [\(2\)](#) of this section and shall supply to the Ministry of Justice such information as it requires for the purposes of those subsections.

(4) In complying with subsections [\(1\)](#) and [\(2\)](#) of this section, the Ministry of Justice shall have regard, among other things, to the need to assist members of the public to obtain official information and to effectively exercise their rights under this Act.

(5) Where there is good reason under section [6](#) or section [7](#) or section [9\(2\)\(b\)](#) of this Act for withholding official information, nothing in this section requires the publication of that official information.

Subsection (1)(c) was amended, as from 12 December 1983, by section 3 Official Information Amendment Act 1983 (1983 No 83) by substituting the words “or recommendations are made in respect of” for the words “are made affecting”.

Subsection (2) was amended, as from 1 April 1987, by section [11\(1\)](#) Official Information Amendment Act 1987 (1987 No 8) by substituting the words “, at intervals of not more than 2 years” for the words “in the year 1985, and in each subsequent year”.

Subsection (5) was amended, as from 1 April 1987, by section [4\(2\)](#) Official Information Amendment Act 1987 (1987 No 8) by substituting the expression “section [9\(2\)\(b\)](#)” for the expression “section [8\(1\)](#)”.

Section 20 was substituted, as from 1 December 1989, by section [3\(1\)](#) Official Information Amendment Act 1989 (1989 No 122). See section [3\(2\)](#) and [\(3\)](#) of that Act for the transitional provisions.

Subsections (1) and (2) were amended, as from 1 October 1995, by section [10\(3\)](#) Department of Justice (Restructuring) Act 1995 (1995 No 39) by substituting the words “Ministry of Justice” for the words “Department of Justice”.

Subsection (2A) was inserted, as from 22 October 2003, by section [4](#) Official Information Amendment Act 2003 (2003 No 90).

Subsections (3) and (4) were amended, as from 1 October 1995, by section [10\(3\)](#) Department of Justice (Restructuring) Act 1995 (1995 No 39) by substituting the words “Ministry of Justice” for the words “Department of Justice”.

21 Right of access to certain official information

(1) Every person has a right to and shall, on request made under this subsection, be given access to the latest edition of the publication published under section [20](#) of this Act and to any published supplementary material bringing that edition up-to-date.

(2) Every person, being—

- (a) A New Zealand citizen; or
- (b) A permanent resident of New Zealand; or
- (c) A person who is in New Zealand; or
- (d) A body corporate which is incorporated in New Zealand; or
- (e) A body corporate which is incorporated outside New Zealand but which has a place of business in New Zealand,—

has a right to and shall, on request made under this subsection, be given access to any category of official information that is declared by regulations made under this Act to be a category of official information in respect of which a right of access exists.

(3) The giving of access to any official information to which subsection [\(2\)](#) of this section applies shall be subject to the provisions of any regulations made under this Act.

Subsection (2) was substituted, as from 1 April 1987, by section [12](#) Official Information Amendment Act 1987 (1987 No 8).

22 Right of access to internal rules affecting decisions

(1) Subject to section [6\(a\) to \(d\)](#), section [7](#), section [9\(2\)\(a\)](#), [\(b\)](#), [\(ba\)](#), [\(i\)](#), and [\(j\)](#), and section [10](#) of this Act and to subsections [\(2\)](#) and [\(6\)](#) of this section, every person has a right to and shall, on request made under this section, be given access to any document (including a manual) which is held by a Department or Minister of the Crown or organisation and which contains policies, principles, rules, or guidelines in accordance with which decisions or recommendations are made in respect of any person or body of persons in his or its personal capacity.

(2) The right conferred by subsection [\(1\)](#) of this section may be exercised only by—

- (a) A New Zealand citizen; or
- (b) A permanent resident of New Zealand; or
- (c) A person who is in New Zealand; or
- (d) A body corporate which is incorporated in New Zealand; or
- (e) A body corporate which is incorporated outside New Zealand but which has a place of business in New Zealand.

(3) Sections [12\(2\)](#) and [\(3\)](#), [13](#) to [15A](#), and [19](#) of this Act shall apply with all necessary modifications, to a request made under subsection [\(1\)](#) of this section.

(4) Where, by virtue of any of the provisions of section [6\(a\) to \(d\)](#), section [7](#), section [9\(2\)\(a\)](#), [\(b\)](#), [\(ba\)](#), [\(i\)](#), and [\(j\)](#) of this Act, there is good reason for withholding some of the information contained in a document to which subsection [\(1\)](#) of this section relates, the Department or Minister of the Crown or organisation shall, unless it is impracticable to do so, either—

- (a) Make a copy of that document available with such deletions or alterations as are necessary; or
- (b) Provide another document stating the substance and effect of the document except as it relates to the information withheld.

(5) Where a document is made available under subsection [\(4\)](#) of this section, the Department or Minister of the Crown or organisation shall, subject to section [10](#) of this Act, give to the applicant—

(a) The reason for withholding the information; and

(b) If the applicant so requests, the grounds in support of that reason, unless the giving of those grounds would itself prejudice the interests protected by section [6\(a\) to \(d\)](#) or section [7](#) or section [9\(2\)\(a\)](#) or [\(b\)](#) or [\(ba\)](#) or [\(i\)](#) or [\(j\)](#) of this Act and (in the case of the interests protected by section [9\(2\)\(a\)](#) or [\(b\)](#) or [\(ba\)](#) or [\(i\)](#) or [\(j\)](#) of this Act) there is no countervailing public interest.

(6) Nothing in this section authorises or permits Public Trust or the Maori Trust Office to make available any information that is contained in a document to which subsection [\(1\)](#) relates but that relates to the making of decisions or recommendations by Public Trust or the Maori Trustee—

(a) in their capacity as trustee within the meaning of the [Trustee Act 1956](#); or

(b) in any other fiduciary capacity.

Subsection (1) was amended, as from 1 April 1987, by section [4\(2\)](#) Official Information Amendment Act 1987 (1987 No 8) by substituting the words “section 6(a) to (d), section 7, section 9(2)(a), (b), (ba), (i), and (j), and section 10” for the words “section 6(a) to (c), sections 7, 8(1), 9(2)(a) and (b), and 10”.

Subsection (3) was amended, as from 1 April 1987, by section [9\(2\)](#) Official Information Amendment Act 1987 (1987 No 8) by substituting the expression “13 to 15A” for the expression “13 to 15”.

Subsection (4) was amended, as from 1 April 1987, by section [4\(2\)](#) Official Information Amendment Act 1987 (1987 No 8) by substituting the words “section 6(a) to (d), section 7, section 9(2)(a), (b), (ba), (i), and (j)” for the words “sections 6(a) to (c), 7, 8(1), and 9(2)(a) and (b)”.

Subsection (5)(b) was substituted, as from 1 April 1987, by section [4\(2\)](#) Official Information Amendment Act 1987 (1987 No 8).

Subsection (6) was substituted, as from 1 March 2002, by section [170\(1\)](#) Public Trust Act 2001 (2001 No 100). See clause [2 Public Trust Act Commencement Order 2002](#) (SR 2002/11).

23 Right of access by person to reasons for decisions affecting that person

(1) Subject to section [6\(a\) to \(d\)](#), section [7](#), section [9\(2\)\(b\)](#), and section [10](#) of this Act and to subsections [\(2\)](#), [\(4\)](#), and [\(5\)](#) of this section, where a Department or Minister of the Crown or organisation makes, on or after the 1st day of July 1983, a decision or recommendation in respect of any person, being a decision or recommendation in respect of that person in his or its personal capacity, that person has the right to and shall, on request made within a reasonable time of the making of the decision or recommendation, be given a written statement of—

(a) The findings on material issues of fact; and

(b) Subject to subsection [\(2A\)](#) of this section, a reference to the information on which the findings were based; and

(c) The reasons for the decision or recommendation.

(2) The right conferred by subsection [\(1\)](#) of this section may be exercised only by a person who is—

(a) A New Zealand citizen; or

(b) A permanent resident of New Zealand; or

- (c) A person who is in New Zealand; or
- (d) A body corporate which is incorporated in New Zealand; or
- (e) A body corporate which is incorporated outside New Zealand but which has a place of business in New Zealand.

(2A) A reference to the information on which any findings were based need not be given under subsection [\(1\)\(b\)](#) of this section if—

- (a) The disclosure of the information or of information identifying the person who supplied it, being evaluative material, would breach an express or implied promise—
 - (i) Which was made to the person who supplied the information; and
 - (ii) Which was to the effect that the information or the identity of the person who supplied it or both would be held in confidence; or
- (b) After consultation undertaken (where practicable) by or on behalf of the Department or Minister of the Crown or organisation with a natural person's medical practitioner, the Department or Minister of the Crown or organisation is satisfied that—
 - (i) The information relates to that person; and
 - (ii) The disclosure of the information (being information that relates to the physical or mental health of the person making the request under this section) would be likely to prejudice the physical or mental health of that person; or
 - (c) In the case of a natural person under the age of 16, the disclosure of that information would be contrary to that person's interests; or
 - (d) The disclosure of that information (being information in respect of a person who has been convicted of an offence or is or has been detained in custody) would be likely to prejudice the safe custody or the rehabilitation of that person.

(2B) For the purposes of subsection [\(2A\)](#) of this section, the term evaluative material means evaluative or opinion material compiled solely—

- (a) For the purpose of determining the suitability, eligibility, or qualifications of the person to whom the material relates—
 - (i) For employment or for appointment to office; or
 - (ii) For promotion in employment or office or for continuation in employment or office; or
- or
- (iii) For removal from employment or office; or
- (iv) For the awarding of contracts, awards, scholarships, honours, or other benefits; or
- (b) For the purpose of determining whether any contract, award, scholarship, honour, or benefit should be continued, modified, or cancelled; or
- (c) For the purpose of deciding whether to insure any person or property or to continue or renew the insurance of any person or property.

(3) Sections [12\(3\)](#), 13 to 15A, and [19](#) of this Act shall apply, with all necessary modifications, to a request made under subsection [\(1\)](#) of this section.

(4) Nothing in this section entitles any person to obtain a written statement of advice given to the Sovereign or her representative.

(5) Nothing in this section applies in respect of any decision or recommendation by Public Trust or the Maori Trustee—

- (a) in their capacity as trustee within the meaning of the [Trustee Act 1956](#); or
- (b) in any other fiduciary capacity.

(6) In subsection [\(2A\)\(b\)](#), medical practitioner means a health practitioner who is, or is deemed to be, registered with the Medical Council of New Zealand continued by

section [114\(1\)\(a\)](#) of the [Health Practitioners Competence Assurance Act 2003](#) as a practitioner of the profession of medicine.

Subsection (1) was amended, as from 1 April 1987, by section [4\(2\)](#) Official Information Amendment Act 1987 (1987 No 8) by substituting the expression “section 6(a) to (d), section 7, section 9(2)(b), and section 10” for the expression “sections 6(3) to (c), 7, 8(1), and 10”.

Subsection (1)(b) was amended, as from 1 July 1993, by section [4\(1\)](#) Official Information Amendment Act 1993 (1993 No 36) by substituting the expression “subsection (2A) of this section” for the expression “section 27(1)(c) to (f) of this Act”. Subsections (2A) and (2B) were inserted, as from 1 July 1993, by section [4\(2\)](#) Official Information Amendment Act 1993 (1993 No 36).

Subsection (3) was amended, as from 1 April 1987, by section [9\(2\)](#) Official Information Amendment Act 1987 (1987 No 8) by substituting the expression “13 to 15” for the expression “13 to 15”.

Subsection (5) was substituted, as from 1 March 2002, by section [170\(1\)](#) Public Trust Act 2001 (2001 No 100). See clause [2 Public Trust Act Commencement Order 2002](#) (SR 2002/11).

Subsection (6) was inserted, as from 18 September 2004, by section [175\(1\)](#) Health Practitioners Competence Assurance Act 2003 (2003 No 48). See sections [178 to 227](#) of that Act as to the transitional provisions.

Part 4

Right of access to personal information

24 Right of access to personal information

(1) Subject to this Part of this Act, to sections [10](#) and [52](#) of this Act, and to subsections [\(2\)](#) and [\(5\)](#) of this section, every person has a right to and shall, on request, be given access to any personal information which—

(a) Is about that person; and

(b) Is held in such a way that it can readily be retrieved.

(2) The right conferred by subsection [\(1\)](#) of this section may be exercised only by a person who is—

(a) A body corporate which is incorporated in New Zealand; or

(b) A body corporate which is incorporated outside New Zealand but which has a place of business in New Zealand.

(3) Sections [12\(3\)](#), [13 to 17](#), and [19](#) of this Act shall apply, with all necessary modifications, to a request made under subsection [\(1\)](#) of this section.

(3A) Where any person is given access to personal information under this section, that person shall be advised of that person's right, under section [26](#) of this Act, to request the correction of that information.

(4) Nothing in this section requires, or imposes any responsibility on, any Department or Minister of the Crown or organisation to compile files or data banks of personal information.

(5) Nothing in this section gives any person the right to be given access to any personal information about the person that is held by Public Trust or the Maori Trustee—

(a) in their capacity as trustee within the meaning of the [Trustee Act 1956](#); or

(b) in any other fiduciary capacity.

Subsection (1) was amended, as from 1 July 1993, by section [5\(1\)](#) Official Information Amendment Act 1993 (1993 No 36) by omitting the words “(in the case of a natural person, without charge)”.

Subsection (2) was substituted, as from 1 July 1993, by section [5\(2\)](#) Official Information Amendment Act 1993 (1993 No 36).

Subsection (3A) was inserted, as from 1 April 1987, by section [13](#) Official Information Amendment Act 1987 (1987 No 8).

Subsection (5) was substituted, as from 1 March 2002, by section [170\(1\)](#) Public Trust Act 2001 (2001 No 100). See clause [2 Public Trust Act Commencement Order 2002](#) (SR 2002/11).

24A Restriction where person sentenced to imprisonment

[Repealed]

Section 24A was to be inserted, from a date to be appointed by Order in Council, by section [14\(1\)](#) Official Information Amendment Act 1987 (1987 No 8). It was repealed by section [6](#) Official Information Amendment Act 1993 (1993 No 36) without ever having come into force.

25 Precautions

Where a request is made under section [24\(1\)](#) of this Act, the Department or Minister of the Crown or organisation—

(a) Shall not give access to that information unless it or he is satisfied concerning the identity of the person making the request; and

(b) Shall ensure, by the adoption of appropriate procedures, that any information intended for a person is received—

(i) Only by that person; or

(ii) Where the request is made by an agent of the person, only by that person or his agent; and

(c) Shall ensure that, where the request is made by an agent of the person, the agent has the written authority of that person to obtain the information or is otherwise properly authorised by that person to obtain the information.

26 Correction of information

(1) Every person who is given access under section [24\(1\)](#) of this Act to personal information may, by letter addressed to the Department or Minister of the Crown or organisation,—

(a) Request correction of the personal information where the person believes that the information—

(i) Is inaccurate; or

(ii) Is incomplete and gives a misleading impression; and

(b) Require that a notation be attached to the information indicating the nature of any correction requested but not made.

(2) Where a Department or Minister of the Crown or organisation receives a letter pursuant to subsection [\(1\)](#) of this section, it or he shall inform the person by whom or by which the letter was sent of the action taken by the Department or Minister of the Crown or organisation as a result of the letter.

27 Reasons for refusal of requests for personal information

(1) A Department or Minister of the Crown or organisation may refuse to disclose any personal information requested under section [24\(1\)](#) of this Act if, and only if,—

(a) The disclosure of the information would be likely to prejudice any of the interests protected by section [6\(a\) to \(d\)](#) or section [7](#) or section [9\(2\)\(b\)](#) of this Act and (in the case of the interests protected by section [9\(2\)\(b\)](#) of this Act) there is no countervailing public interest; or

(b) The disclosure of the information would involve the unwarranted disclosure of the affairs of another person or of a deceased person; or

(c) The disclosure of the information or of information identifying the person who supplied it, being evaluative material, would breach an express or implied promise—

(i) Which was made to the person who supplied the information; and

(ii) Which was to the effect that the information or the identity of the person who supplied it or both would be held in confidence; or

(d) *[Repealed]*

(e) *[Repealed]*

(f) *[Repealed]*

(g) The disclosure of the information would breach legal professional privilege; or

(h) The request is frivolous or vexatious, or the information requested is trivial.

(1A) No reasons other than one or more of the reasons set out in subsection [\(1\)](#) of this section justifies a refusal to disclose any personal information requested under section [24\(1\)](#) of this Act.

(2) For the purposes of subsection [\(1\)\(c\)](#) of this section, the term evaluative material means evaluative or opinion material compiled solely—

(a) For the purpose of determining the suitability, eligibility, or qualifications of the person to whom the material relates for the awarding of contracts, awards, or other benefits; or

(b) For the purpose of determining whether any contract, award, or benefit should be continued, modified, or cancelled; or

(c) For the purpose of deciding whether to insure any person or property or to continue or renew the insurance of any person or property.

Subsection (1)(a) was substituted, as from 1 April 1987, by section [4\(2\)](#) Official Information Amendment Act 1987 (1987 No 8).

Subsection (1)(d) to (f) were repealed, as from 1 July 1993, by section [7\(1\)](#) Official Information Amendment Act 1993 (1993 No 36).

Subsection (1A) was inserted, as from 1 April 1987, by section [15\(2\)](#) Official Information Amendment Act 1987 (1987 No 8).

Subsection (2) was substituted, as from 1 July 1993, by section [7\(2\)](#) Official Information Act 1993 (1993 No 36).

Part 5

Review of decisions

Decisions under Part 2 and section 10 of this Act

28 Functions of Ombudsmen

(1) It shall be a function of the Ombudsmen to investigate and review any decision by which a Department or Minister of the Crown or organisation—

(a) Refuses to make official information available to any person in response to a request made by that person in accordance with section [12](#) of this Act; or

(b) Decides, in accordance with section [16](#) or section [17](#) of this Act, in what manner or, in accordance with section [15](#) of this Act, for what charge a request made in accordance with section [12](#) of this Act is to be granted; or

(c) Imposes conditions on the use, communication, or publication of information made available pursuant to a request made in accordance with section [12](#) of this Act; or

(d) Gives a notice under section [10](#) of this Act.

(2) It shall be a function of the Ombudsmen to investigate and review any decision by which the permanent head of a Department or an officer or an employee of a Department authorised by its permanent head or a Minister of the Crown or an organisation extends any time limit under section [15A](#) of this Act.

(3) An investigation and review under subsection [\(1\)](#) or subsection [\(2\)](#) may be made by an Ombudsman only on complaint being made to an Ombudsman in writing or orally.

(3A) A complaint made orally must be put in writing as soon as practicable.

(4) If, in relation to any request made in accordance with section [12](#) of this Act, any Department or Minister of the Crown or organisation fails within the time limit fixed by section [15\(1\)](#) of this Act (or, where that time limit has been extended under this Act, within that time limit as so extended) to comply with paragraph [\(a\)](#) or paragraph [\(b\)](#) of section 15(1) of this Act, that failure shall be deemed, for the purposes of subsection [\(1\)](#) of this section, to be a refusal to make available the official information to which the request relates.

(5) Undue delay in making official information available in response to a request for that information, shall be deemed, for the purposes of subsection [\(1\)](#) of this section, to be a refusal to make that information available.

Section 28 was substituted, as from 1 April 1987, by section [16\(1\)](#) Official Information Amendment Act 1987 (1987 No 8).

Subsection (3) was substituted, as from 22 October 2003, by section [5](#) Official Information Amendment Act 2003 (2003 No 90).

Subsection (3A) was inserted, as from 22 October 2003, by section [5](#) Official Information Amendment Act 2003 (2003 No 90).

29 Application of Ombudsmen Act 1975

(1) Except as otherwise provided by this Act, the provisions of the [Ombudsmen Act 1975](#) shall apply in respect of investigations and other proceedings carried out under this Part of this Act in respect of decisions under Part [2](#) or section [10](#) of this Act as if they were investigations carried out under the [Ombudsmen Act 1975](#).

(2) Nothing in sections [13](#), [14](#), and [25](#) of the [Ombudsmen Act 1975](#) shall apply in relation to any function or power conferred on an Ombudsman by this Act or in relation to any proceeding, decision, recommendation, or act of an Ombudsman under this Act.

29A Requirements of Ombudsman to be complied with within certain period

(1) Subject to this section, where, during the course of an investigation, under section [28](#) of this Act, of any decision of any Department or Minister of the Crown or organisation, an Ombudsman, pursuant to any power conferred on that Ombudsman by section [19](#) of the [Ombudsmen Act 1975](#), requires that Department or Minister of the Crown or organisation to furnish or produce to that Ombudsman any information or document or paper or thing which relates to that investigation, that Department, Minister of the Crown, or organisation shall, as soon as reasonably practicable, and in no case later than 20 working days after the day on which that requirement is received by that Department or Minister of the Crown or organisation, comply with that requirement.

- (2) Where any requirement to which subsection [\(1\)](#) of this section applies is made to any Department or Minister of the Crown or organisation, the permanent head of that Department or an officer or employee of that Department authorised by that permanent head or that Minister of the Crown or that organisation may extend the time limit set out in subsection [\(1\)](#) of this section in respect of that requirement if—
- (a) The requirement relates to, or necessitates a search through, a large quantity of information or a large number of documents or papers or things, and meeting the original time limit would unreasonably interfere with the operations of the Department or the Minister of the Crown or the organisation; or
 - (b) Consultations necessary before the requirement can be complied with are such that the requirement cannot reasonably be complied with within the original time limit; or
 - (c) The complexity of the issues raised by the requirement are such that that requirement cannot reasonably be complied with within the original time limit.
- (3) Any extension under subsection [\(2\)](#) of this section shall be for a reasonable period of time having regard to the circumstances.
- (4) The extension shall be effected by giving or posting notice of the extension to the Ombudsman within 20 working days after the day on which the requirement is received.
- (5) The notice effecting the extension shall—
- (a) Specify the period of the extension; and
 - (b) Give the reasons for the extension; and
 - (c) Contain such other information as is necessary.
- (6) If any Department or Minister of the Crown or organisation fails, within the time limit fixed by subsection [\(1\)](#) of this section (or, where that time limit has been extended under subsection [\(2\)](#) of this section, within that time limit as so extended) to comply with any requirement to which subsection [\(1\)](#) of this section applies, the Ombudsman may report such failure to the Prime Minister, and may thereafter make such report to the House of Representatives on the matter as the Ombudsman thinks fit.
- (7) Notwithstanding anything in this section, an Ombudsman shall not, in any report made under subsection [\(6\)](#) of this section, make any comment that is adverse to any person unless the person has first been given an opportunity to be heard.

This section was inserted, as from 1 April 1987, by section [17\(1\)](#) Official Information Amendment Act 1987 (1987 No 8). See section [17\(3\)](#) of that Act.

29B Consultation with Privacy Commissioner

Where an Ombudsman investigates a complaint made under section [28](#) of this Act in relation to a refusal to make official information available in reliance on section [9\(2\)\(a\)](#) of this Act, the Ombudsman shall, before forming a final opinion under section [30](#) of this Act in relation to the merits of refusing that request on that ground, consult with the Privacy Commissioner under the [Privacy Act 1993](#).

This section was inserted, as from 1 July 1993, by section [8](#) Official Information Amendment Act 1993 (1993 No 36).

30 Procedure after investigation

- (1) Where, after making an investigation of a complaint made under section [28](#) of this Act, an Ombudsman is of the opinion—

- (a) That the request made in accordance with section [12](#) of this Act should not have been refused; or
- (b) That the decision complained of is unreasonable or wrong or is otherwise a decision to which subsection [\(1\)](#) or subsection [\(2\)](#) of section 22 of the [Ombudsmen Act 1975](#) applies,—
the Ombudsman shall, subject to subsection [\(3\)](#) of this section,—
- (c) Report his opinion and his reasons therefor to the appropriate Department or Minister of the Crown or organisation; and
- (d) Subject to section [31](#) of this Act, make such recommendations as he thinks fit; and
- (e) Give to the complainant—
 - (i) A copy of his recommendations (if any); and
 - (ii) Such other information as he thinks proper.

(2) The Ombudsman shall also—

(a) In the case of an investigation relating to a Department or organisation named in Part [1](#) or Part [2](#) of Schedule 1 to the [Ombudsmen Act 1975](#), send a copy of his report and recommendations to the Minister concerned; and

(b) In the case of an organisation named in Schedule [1](#) to this Act, send a copy of his report and recommendations to such Minister of the Crown as he considers appropriate.

(3) Notwithstanding anything in this section, an Ombudsman shall not, in any report made under this section, make any comment that is adverse to any person unless the person has been given an opportunity to be heard.

(4) Except as provided in subsection [\(1\)](#) of this section, nothing in section [22](#) of the [Ombudsmen Act 1975](#) shall apply in respect of a decision that may be investigated and reviewed under section [28\(1\)](#) or section [28\(2\)](#) of this Act.

Subsection (4) was amended, as from 1 April 1987, by section [16\(3\)](#) Official Information Amendment Act 1987 (1987 No 8) by inserting the expression “or section [28\(2\)](#)”.

31 Disclosure of certain information not to be recommended

Where—

(a) The Prime Minister certifies that the making available of any information would be likely to prejudice—

(i) The security or defence of New Zealand or the international relations of the Government of New Zealand; or

(ii) Any interest protected by section [7](#) of this Act; or

(b) The Attorney-General certifies that the making available of any information would be likely to prejudice the prevention, investigation, or detection of offences—
an Ombudsman shall not recommend that the information be made available, but may recommend that the making available of the information be given further consideration by the appropriate Department or Minister of the Crown or organisation.

32 Recommendations made to the Department or Minister of the Crown or organisation

(1) Where a recommendation is made under section [30\(1\)](#) of this Act to a Department or to an organisation named in Part [1](#) or Part [2](#) of Schedule 1 to the [Ombudsmen Act 1975](#),—

(a) A public duty to observe that recommendation shall be imposed on that Department or organisation from the commencement of the twenty-first working day after the day on which that recommendation is made to the Department or organisation unless, before that day, the Governor-General, by Order in Council, otherwise directs; and

(b) The public duty imposed by paragraph (a) of this subsection shall be imposed not only on the Department or organisation itself but also on—

(i) The members of the organisation; and

(ii) Every officer and employee of that Department or organisation to whom that recommendation is applicable; and

(iii) Every body within that Department or organisation to whom that recommendation is applicable; and

(iv) Every statutory officer to whom that recommendation is applicable.

(2) Where a recommendation is made under section [30\(1\)](#) of this Act to a Minister of the Crown, a public duty to observe that recommendation shall be imposed on that Minister from the commencement of the twenty-first working day after the day on which that recommendation is made to that Minister unless, before that day, the Governor-General, by Order in Council, otherwise directs.

(3) Where a recommendation is made under section [30\(1\)](#) of this Act to an organisation named in Schedule [1](#) to this Act,—

(a) A public duty to observe that recommendation shall be imposed on that organisation from the commencement of the twenty-first working day after the day on which that recommendation is made to that organisation unless, before that day, the Governor-General, by Order in Council, otherwise directs; and

(b) The public duty imposed by paragraph (a) of this subsection shall be imposed not only on the organisation itself but also on—

(i) Its governing body (if any); and

(ii) Its members; and

(iii) Every officer, employee, and body within that organisation to whom that recommendation is applicable; and

(iv) Every statutory officer to whom that recommendation is applicable.

(4) As soon as practicable after an Order in Council is made under this section, the Minister who recommended the making of that Order in Council shall give a copy of that Order in Council to the Ombudsman who made the recommendation.

(5) Nothing in this section—

(a) Limits section [8](#) of the [Judicature Amendment Act 1972](#); or

(b) Prevents effect being given to any interim order made under section [8](#) of the [Judicature Amendment Act 1972](#) or to any declaration contained in any such interim order.

Section 32 was substituted, as from 1 April 1987, by section [18](#) Official Information Amendment Act 1987 (1987 No 8).

32A Requirements in relation to Order in Council

(1) Every Order in Council made under section [32](#) of this Act shall be published in the *Gazette* and laid before the House of Representatives as soon as practicable after it is made.

(2) Every Order in Council made under section [32](#) of this Act shall set out the reasons for which it is made and the grounds in support of those reasons.

(3) An Order in Council made under section [32](#) of this Act in relation to a recommendation made under section [30\(1\)](#) of this Act may be made for all or any of the reasons for the decision reviewed by the Ombudsman (being reasons that were before the Ombudsman when the recommendation was made) but for no other reasons.

Sections 32A to 32C were inserted, as from 1 April 1987, by section [18](#) Official Information Amendment Act 1987 (1987 No 8).

32B Right of review

(1) Where—

(a) A recommendation is made under section [30\(1\)](#) of this Act in respect of a request made under section [12](#) of this Act; and

(b) An Order in Council is made under section [32](#) of this Act in respect of that recommendation,—

the person who made that request may apply to the High Court for a review of the making of that Order in Council.

(2) An application under subsection [\(1\)](#) of this section may be made on the ground that the Order in Council was beyond the powers conferred by sections [32](#) and [32A](#) of this Act or was otherwise wrong in law.

(3) On an application under subsection [\(1\)](#) of this section, the High Court may—

(a) Make an order confirming that the Order in Council was validly made; or

(b) Make an order declaring that the making of the Order in Council was beyond the powers conferred by sections [32](#) and [32A](#) of this Act or was otherwise wrong in law.

(4) Unless the High Court is satisfied that an application brought under subsection [\(1\)](#) of this section has not been reasonably or properly brought, it shall, in determining the application and irrespective of the result of the application, order that the costs of the applicant on a solicitor and client basis shall be paid by the Crown, and such costs shall be paid out of money appropriated by Parliament for the purpose.

Sections 32A to 32C were inserted, as from 1 April 1987, by section [18](#) Official Information Amendment Act 1987 (1987 No 8).

32C Appeals

Any party to an application under section [32B](#) of this Act who is dissatisfied with any final or interlocutory order in respect of the application may appeal to the Court of Appeal; and section [66](#) of the [Judicature Act 1908](#) shall apply to any such appeal.

Sections 32A to 32C were inserted, as from 1 April 1987, by section [18](#) Official Information Amendment Act 1987 (1987 No 8).

33 Complainant to be informed of result of investigation

The Ombudsman who investigates a complaint made for the purposes of section [28\(3\)](#) of this Act shall inform the complainant, in such manner and at such time as he thinks proper, of the result of the investigation.

Section 33 was amended, as from 1 April 1987, by section [16\(4\)](#) Official Information Amendment Act 1987 (1987 No 8) by substituting the expression “section [28\(3\)](#)” for the expression “section [28\(2\)](#)”.

34 Restriction on application for review

Where any person makes a request under this Act that official information be made available to him and a decision to which section [28\(1\)](#) or section [28\(2\)](#) of this Act applies is made in relation to that request, that person—

(a) Shall not make an application under section [4\(1\)](#) of the [Judicature Amendment Act 1972](#) for the review of that decision; and

(b) Shall not commence any proceedings in which that decision is sought to be challenged, quashed, or called in question in any Court,—
unless a complaint made by that person in respect of that decision has first been determined under this Part of this Act.

Section 34 was amended, as from 1 April 1987, by section [16\(5\)](#) Official Information Amendment Act 1987 (1987 No 8) by inserting the expression “or section 28(2)”.

Decisions under Part 3 or Part 4 of this Act

35 Application of [Ombudsmen Act 1975](#)

(1) It shall be a function of the Ombudsmen to investigate, pursuant to the [Ombudsmen Act 1975](#), any decision made under Part [3](#) or Part [4](#) of this Act,—

(a) Including any such decision made by—

(i) A Minister of the Crown; or

(ii) An organisation named in Schedule [1](#) to this Act; but

(b) Not including a decision made under section [10](#) of this Act in relation to a request made under Part [3](#) or Part [4](#) of this Act.

(1A) The provisions of section [29A](#) of this Act, so far as they are applicable and with the necessary modifications, shall apply in respect of any requirement, made by any Ombudsman in the course of any investigation conducted pursuant to subsection [\(1\)](#) of this section, whereby that Ombudsman, pursuant to any power conferred on that Ombudsman by section [19](#) of the [Ombudsmen Act 1975](#), requires any Department or Minister of the Crown or organisation to furnish or produce to that Ombudsman any information or document or paper or thing which relates to that investigation.

(2) Where the Ombudsman, after making his investigation, forms an opinion of the kind described in subsection [\(1\)](#) or subsection [\(2\)](#) or subsection [\(3\)](#) of section 22 of the [Ombudsmen Act 1975](#), he shall, subject to subsection [\(6\)](#) of this section, report his opinion to the appropriate Department or Minister of the Crown or organisation, and may make such recommendations as he thinks fit in accordance with section [22\(3\)](#) of the [Ombudsmen Act 1975](#).

(3) Where a report is made under subsection [\(2\)](#) of this section to a Minister of the Crown, the Ombudsman shall request the Minister of the Crown to notify the Ombudsman, within a specified time, of the steps (if any) that the Minister proposes to take to give effect to the Ombudsman's recommendations.

(4) If, within a reasonable time after the report is made under section [22\(3\)](#) of the [Ombudsmen Act 1975](#) (as applied by subsection [\(2\)](#) of this section), no action is taken which seems to an Ombudsman to be adequate and appropriate, the Ombudsman, in his discretion, after considering the comments (if any) made by or on behalf of any Department or Minister of the Crown or organisation affected, may send a copy of the report and recommendations to the Prime Minister, and may thereafter make such report to the House of Representatives on the matter as he thinks fit.

(5) The Ombudsman shall attach to every report sent or made under subsection [\(4\)](#) of this section a copy of any comments made by or on behalf of the Department or Minister of the Crown or organisation affected.

(6) Notwithstanding anything in this section, an Ombudsman shall not, in any report made under this section, make any comment that is adverse to any person unless the person has first been given an opportunity to be heard.

(7) If, in relation to any request for official information made under Part [3](#) or Part [4](#) of this Act, any Department or Minister of the Crown or organisation fails within the time limit fixed by section [15\(1\)](#) of this Act (or, where that time limit has been extended under this Act, within that time limit as so extended) to comply with paragraph [\(a\)](#) or paragraph [\(b\)](#) of subsection 15(1) of this Act, that failure shall be deemed, for the purposes of subsection [\(1\)](#) of this section, to be a decision made under Part [3](#) or Part [4](#) of this Act.

(8) Undue delay in giving any person access to official information in response to a request under Part [3](#) or Part [4](#) of this Act for access to that information shall be deemed, for the purposes of subsection [\(1\)](#) of this section, to be a decision made under Part [3](#) or Part [4](#) of this Act.

Subsection (1A) was inserted, as from 1 April 1987, by section [17\(2\)](#) Official Information Amendment Act 1987 (1987 No 8). See section [17\(3\)](#) of that Act.

Subsection (4) was amended, as from 1 April 1987, by section [19\(1\)](#) Official Information Amendment Act 1987 (1987 No 8) by substituting the words “the House of Representatives” for the word “Parliament”.

Subsections (7) and (8) were inserted, as from 1 April 1987, by section [19\(2\)](#) Official Information Amendment Act 1987 (1987 No 8).

Saving

36 Saving in respect of [Ombudsmen Act 1975](#)

Except as expressly provided in this Act, nothing in this Act shall derogate from or limit the functions of the Ombudsmen under the [Ombudsmen Act 1975](#).

Part 6

Information Authority

37 Establishment of Information Authority

[Repealed]

Part 6 expired as from the close of 30 June 1988 pursuant to section [53\(a\)\(ii\)](#) of this Act.

38 Functions and powers of Authority

[Repealed]

Part 6 came into force on 17 December 1982 pursuant to section [1\(3\)](#) of this Act and expired as from the close of 30 June 1988 pursuant to section [53\(a\)\(ii\)](#) of this Act.

39 Functions in respect of personal information

[Repealed]

Part 6 came into force on 17 December 1982 pursuant to section [1\(3\)](#) of this Act and expired as from the close of 30 June 1988 pursuant to section [53\(a\)\(ii\)](#) of this Act.

40 Membership of Authority

[Repealed]

Part 6 came into force on 17 December 1982 pursuant to section [1\(3\)](#) of this Act and expired as from the close of 30 June 1988 pursuant to section [53\(a\)\(ii\)](#) of this Act.

41 Term of office of members of Authority

[Repealed]

Part 6 came into force on 17 December 1982 pursuant to section [1\(3\)](#) of this Act and expired as from the close of 30 June 1988 pursuant to section [53\(a\)\(ii\)](#) of this Act.

42 Regulations providing for access to information

[Repealed]

Part 6 came into force on 17 December 1982 pursuant to section [1\(3\)](#) of this Act and expired as from the close of 30 June 1988 pursuant to section [53\(a\)\(ii\)](#) of this Act.

43 Provision for disallowance of regulations providing for access to information
[Repealed]

Part 6 came into force on 17 December 1982 pursuant to section [1\(3\)](#) of this Act and expired as from the close of 30 June 1988 pursuant to section [53\(a\)\(ii\)](#) of this Act.

Subsection (1) was amended, as from 1 January 1987, by section [27](#) Constitution Act 1986 (1986 No 114) by substituting (in two places) the words “the House of Representatives” for the word “Parliament”.

44 Annual report

[Repealed]

Part 6 came into force on 17 December 1982 pursuant to section [1\(3\)](#) of this Act and expired as from the close of 30 June 1988 pursuant to section [53\(a\)\(ii\)](#) of this Act.

Subsection (1) was amended, as from 1 April 1987, by section [20](#) Official Information Amendment Act 1987 (1987 No 8) by substituting the words “the House of Representatives” for the word “Parliament”.

45 Offences

[Repealed]

Part 6 came into force on 17 December 1982 pursuant to section [1\(3\)](#) of this Act and expired as from the close of 30 June 1988 pursuant to section [53\(a\)\(ii\)](#) of this Act.

Part 7

Miscellaneous provisions

46 Assistance of Ministry of Justice

The Ministry of Justice may, for the purpose of assisting any other Department or any organisation to act in accordance with this Act, furnish advice or assistance or both to that other Department or that organisation.

Section 46 was substituted, as from 1 December 1989, by section [4](#) Official Information Act 1989 (1989 No 122).

Section 46 was amended, as from 1 October 1995, by section [10\(3\)](#) Department of Justice (Restructuring) Act 1995 (1995 No 39) by substituting the words “Ministry of Justice” for the words “Department of Justice”.

47 Regulations

The Governor-General may from time to time, by Order in Council, make regulations for all or any of the following purposes—

(a) *[Expired]*

(b) Prescribing forms of applications and other documents required for the purposes of this Act, or authorising any person to prescribe or approve such forms:

(c) Providing the procedure for the service of notices and documents under this Act:

(d) Prescribing reasonable charges or scales of reasonable charges for the purposes of this Act:

(e) Providing for such matters as are contemplated by or necessary for giving full effect to this Act and for its due administration.

Paragraph (a) expired as from the close of 30 June 1988 pursuant to section [53\(a\)\(iii\)](#) of this Act.

48 Protection against certain actions

(1) Where any official information is made available in good faith pursuant to this Act,—

(a) No proceedings, civil or criminal, shall lie against the Crown or any other person in respect of the making available of that information, or for any consequences that follow from the making available of that information; and

(b) No proceedings, civil or criminal, in respect of any publication involved in, or resulting from, the making available of that information shall lie against the author of the information or any other person by reason of that author or other person having supplied the information to a Department or Minister of the Crown or organisation.

(2) The making available of, or the giving of access to, any official information in consequence of a request made under this Act shall not be taken, for the purposes of the law relating to defamation or breach of confidence or infringement of copyright, to constitute an authorisation or approval of the publication of the document or of its contents by the person to whom the information is made available or the access is given.

Section 48 was substituted, as from 1 April 1987, by section [21](#) Official Information Amendment Act 1987 (1987 No 8).

49 Power to amend Schedule [1](#) by Order in Council

(1) Where any organisation named in Schedule [1](#) to this Act is abolished, or its name is altered, the Governor-General may, by Order in Council, make such amendments to that Schedule as may be necessary to give effect to the abolition or alteration.

(2) Every Order in Council made under subsection ([1](#)) of this section shall be deemed to be a regulation for the purposes of the Regulations Act 1936.

50 Consequential amendments to other enactments

The enactments specified in Schedule [3](#) to this Act are hereby amended in the manner indicated in that Schedule.

51 Repeal

The Official Secrets Act 1951 is hereby repealed.

52 Savings

(1) Nothing in this Act authorises or permits the making available of any official information if the making available of that information would constitute contempt of Court or of the House of Representatives.

(2) Nothing in this Act authorises or permits any person to make information available if that information relates to—

(a) the affairs of any estate under administration by Public Trust or in the Maori Trust Office; or

(b) The affairs of any person concerned in any such estate.

(3) Except as provided in sections [50](#) and [51](#) of this Act, nothing in this Act derogates from—

(a) Any provision which is contained in any other enactment and which authorises or requires official information to be made available; or

(b) Any provision which is contained in any other Act of Parliament or in any regulations within the meaning of the Regulations Act 1936 (made by Order in Council and in force immediately before the 1st day of July 1983) and which—

(i) Imposes a prohibition or restriction in relation to the availability of official information; or

(ii) Regulates the manner in which official information may be obtained or made available; or

(c) Any provision of any Order in Council made under the [Commissions of Inquiry Act 1908](#) or of any other document by which a Royal Commission or commission of inquiry or board of inquiry is appointed.

Subsection (1) was amended, as from 1 April 1987, by section [22](#) Official Information Amendment Act 1987 (1987 No 8) by substituting the words “the House of Representatives” for the word “Parliament”.

Subsection (2)(a) was substituted, as from 1 March 2002, by section [170\(1\)](#) Public Trust Act 2001 (2001 No 100). See clause [2](#) [Public Trust Act Commencement Order 2002](#) (SR 2002/11).

53 Expiration of provisions relating to Information Authority

As from the close of the 30th day of June 1988—

(a) The following provisions of this Act, namely,—

(i) The definition of the term Authority in section [2\(1\)](#); and

(ii) Part [6](#); and

(iii) Paragraph [\(a\)](#) of section 47; and

(iv) Schedule [2](#),—

shall expire; and

(b) Section [11\(1\)\(a\)](#) of this Act shall be amended by omitting the words “or the Authority”; and

(c) The Authority shall be dissolved; and

(d) All real and personal property belonging to the Authority shall become vested in the Crown; and

(e) All money payable to the Authority shall become payable to the Crown; and

(f) All liabilities, contracts, and engagements, and all rights and authorities of any nature whatever of the Authority shall become liabilities, contracts, engagements, rights, and authorities of the Crown; and

(g) All proceedings pending by or against the Authority may be carried on, completed, or enforced by or against the Crown.