



4 May 2021

[REDACTED]

[REDACTED]

Withheld to protect personal privacy

Tēnā koe [REDACTED] Withheld to protect personal privacy

I refer to your request dated 4 April 2021, pursuant to the Official Information Act 1982, seeking:

- "1. Any internal guidance, currently in use, that provides advice on when and how to charge a fee for responding to an OIA request.*
- 2. Any documents, from the past five years, where the subject of whether or not your organisation should charge a fee for processing OIA requests and how charging could be implemented is discussed.*
- 3. Where you have charged for an OIA request and received payment within the past five years please provide the dollar amount for the three largest fees you have charged.*
- 4. If you do not charge fees for processing OIA requests please provide confirmation of this in your response letter."*

In response to both questions one and four, the Ministry of Transport does not charge fees for processing OIA requests. We do however provide internal guidance on how a fee could be charged for an OIA. This is enclosed.

- Guide to charging

In response to question two, as part of a 2019 review into the Ministry's Official Correspondence function, two respondents said in interviews that the Ministry should look at charging for some OIA requests. These comments were not acted upon and the final OC Review document did not recommend the Ministry implement charging for OIA requests. There has been no other discussion of whether to charge a fee, or how it would be implemented.

As we do not charge for requests, the response to question three is nil.

You have the right under Section 28(3) of the Official Information Act to make a complaint about the withholding of information to the Ombudsman, who can be contacted at info@ombudsman.parliament.nz.

The Ministry publishes our Official Information Act responses and the information contained in our reply to you may be published on the Ministry website. Before publishing we will remove any personal or identifiable information.

Nāku noa, nā



Withheld to protect personal privacy

Hilary Penman

Manager, Ministerial Services

Guide to charging



As part of our drive to make official information more widely available, the Ministry has agreed an approach to proactively publish selected responses to OIA requests on the Ministry's website. See the [Proactive Publishing tile](#) for more information on assessing OIAs.

You will need to consider whether a charge should be applied for any of the material to be released. [Section 15](#) of the Act allows agencies to fix a charge for the release of official information.

Charging may be an option if you have a request that will involve a substantial amount of time and work to respond to, particularly if you are considering declining the request on the grounds that it would require substantial collation and research ([s18\(1\)\(f\)](#)).

If there is a charge for the OIA request you need to confirm with the requester that we may be making the information public once we've completed the response to them.

The Ministry of Justice's [Charging Guidelines for Official Information Act 1982 Requests](#) provide details about charging for services and should be followed in all cases unless good reason exists for not doing so. If you are considering proposing a charge, you should discuss with your Manager and read the information in this section.

Page Index

[What can we charge for?](#)

[What is chargeable?](#)

[Fixed charges for staff](#)

[Photocopying](#)

[Other costs](#)

[Remission of charges](#)

[Payment/Deposits](#)

[Review of decisions by Ombudsman](#)

Before deciding to charge you should consider what other options are available as an alternative.

- Consider asking the requester to specify the request in order to narrow down its scope to reduce staff time and effort in responding.
- Transfer the request where appropriate, which may enable the request to be dealt with more efficiently.
- Release summaries of information.
- Provide the information in an alternative form (e.g. sending electronic copies by email or CD).
- Allow the requester to inspect the original documents themselves if providing copies of the documents would require a lot of photocopying.

Note that we can refuse to provide information in the form sought if doing so would "impair efficient administration" see section [16\(2\)\(a\)](#). You may also want to consider if the charge should be waived or reduced (e.g. if to do so would be in the public interest).

NOTE: You must not charge for information without advising the requester (and supplying an estimate) ahead of time. You should not charge more than any estimated charge you advised in advance.

You cannot advise that the charge will be made unless and until you have decided that at least some information will be released. This is because the legal authority to charge in [section 15](#) is limited to actual and reasonable costs of making information available. You should indicate early on that a charge *may* be made and wait for the respondent's decision before proceeding.

There is a protocol that charges are not made for responding to a request by or on behalf of a Member of Parliament (MP). But if MPs make large and expensive requests, you should seek to ensure the request is made with 'due particularity' (see the heading '[Duty to provide assistance](#)' in the 'Background' section of this guidance) and if the request remains large the reasonable charge may be levied.

What can we charge for?

A government department can charge for:

- staff time
- the amount of photocopied material
- any other cost incurred in responding to an OIA request.

[Back to top](#)

Staff time: What is chargeable?

A charge can be made for staff time spent:

- searching and retrieving information
- providing transcripts
- supervising access to the information
- searching an index to establish the location of information
- locating (physically) and extracting the information from the place where it is held
- reading or reviewing the information
- editing of information to be withheld
- compiling the information.

Fixed charges for staff time

- The first hour spent on a request is to be free of charge.
- Staff time exceeding one hour spent in actioning the request is chargeable.
- Staff time in excess of one hour should be charged out at a rate of \$38.00 (including GST) per half hour or part thereof. This rate applies regardless of the seniority of the staff member handling the request.

The charge should not include any allowance for:

- time spent considering whether to withhold or release information and in what form — that is, assessing the information
- extra time spent locating and retrieving information that is misplaced.

Photocopying

The first 20 pages of photocopying or printing on standard A4 or foolscap paper is free of charge. Subsequent pages are chargeable at a rate of 20 cents per page.

Other costs

Any other direct costs incurred (e.g. copying of maps/plans or any other documents larger than foolscap size, videos, computer time/disks, etc) may be charged up to their actual cost. This includes the retrieval of information offsite, reproducing audio or visual recordings and other situations where a direct charge is incurred.

Remission of charges

The liability to pay any charge may be modified or waived at the discretion of the department or organisation receiving the request if, for example, it would be in the public interest to do so. The Ministry of Justice's [Charging Guidelines for Official Information Act Requests 1982](#) provide more detail about what considerations may be relevant in deciding whether to modify or waive any charge.

[Back to top](#)

Payment/Deposits

Where a charge in excess of \$76.00 is likely to be levied, or where some assurance of payment is required to avoid waste of resources, a deposit may be requested. A deposit can only be requested after a decision has been made to make the information available.

The applicant should be notified of the amount of deposit required, the method of calculating the charge and the likely final amount to be paid.

Work on the request may be suspended until receipt of the deposit or agreement to pay the charge and the 20 working day limit is extended accordingly.

Review of decisions by Ombudsman

An Ombudsman may investigate and review any decision to charge for official information. You must inform the requester of the right to complain to the Ombudsman about the charge or estimated charge.

Released under the Official Information Act 1982