

Case 006345  
Contact Wayne Lim  
26 June 2024



Phil Pennington

By email: [Phil.Pennington@rnz.co.nz](mailto:Phil.Pennington@rnz.co.nz)

Dear Mr Pennington

**Official Information Act 1982 investigation**  
**Health New Zealand - Delay in making decision on request for information**

I refer to Tim Hope's letter of 24 April 2024 concerning your complaint about a delay by Health New Zealand (HNZ) in making a decision on your request for payment and employment statistics for resident medical officers.

I understand that the information within the scope of your request was sent to you on 23 April 2024.

I am now able to advise you of the outcome of my investigation of your delay complaint under the Official Information Act 1982 (OIA)

The OIA requires that a decision be made and communicated on an official information request no later than 20 working days after the day on which the request was received (unless a valid extension of this time limit is made).

I am informed your request was received by HNZ on 18 April 2023. On 17 May 2023, HNZ advised you of an extension to the timeframe for making and communicating a decision on your request, to 29 June 2023. Therefore, a decision should have been made and communicated to you by 29 June 2023 at the latest. On 29 June 2023, HNZ advised you that it had decided to release the information within the scope of your request, but that it would take some time to prepare the information for release.

My investigation found that although HNZ purported to make a decision on your request on 29 June 2023, the decision was not a valid decision under the OIA.

Before a decision can be made on a request, an agency should have identified the specific information within scope of the request, collated and reviewed this information, and set out specific criteria for determining which information (if any) is to be withheld.

To constitute a proper decision under the OIA, a response must be very clear as to whether a request is granted, in full or in part. It must also confirm if information is intended to be withheld, and provide the reasons for the same.

At the time that HNZ advised that it had made a decision on your request, the work necessary to provide a response had not yet been completed. As a result, I have formed the final opinion that there has been a failure to meet the requirements imposed by the OIA. HNZ's decision was invalid, and was therefore in breach of section 15(1) of the OIA and contrary to law.

I have recommended that HNZ proceed with the proposed improvements and review outlined in its response to me, and report back to me on what changes have eventuated from this.

By way of brief explanation, HNZ has advised that it has or will introduce:

- weekly refreshers on OIA legislation with its OIA team;
- mandatory completion of training provided by the Ombudsman for its OIA advisors;
- clearer communication in its responses to requesters; and
- regular quality assurance testing across all OIA requests received.

This does not include any other changes that HNZ identifies as being necessary following its review.

I have reported my final opinion to the Minister of Health.

If you have any concerns about the substantive decision made on your request, then please feel free to contact me again.

Yours sincerely



Peter Boshier  
Chief Ombudsman