



Final opinion of the Chief Ombudsman

**Local Government Official Information and Meetings Act  
compliance and practice in  
Wellington Water**

June 2025

# Contents

<b>Terminology and methodology</b>	<b>ii</b>
<b>Summary</b>	<b>1</b>
Leadership and culture	1
Organisation structure, staffing and capability	2
Internal policies, procedures and resources	3
Current practices	5
Performance monitoring and learning	7
<b>My opinion</b>	<b>9</b>
<b>Leadership and culture</b>	<b>11</b>
Staff perceptions of the agency's openness	11
Messaging to staff from senior leaders	13
Messaging to the public	15
Public perceptions of openness	16
<b>Organisation structure, staffing and capability</b>	<b>19</b>
LGOIMA handling model and resilience	19
LGOIMA training	21
Information Management training	23
<b>Internal policies, procedures and resources</b>	<b>26</b>
Information Management systems	26
Information Management guidance and policy	29
Proactive release policy	31
LGOIMA guidance and policy	33
<b>Current practices</b>	<b>36</b>
Information requests handled by the LGOIMA team	36
Information requests handled by the Communications and Engagement team	41
<b>Performance monitoring and learning</b>	<b>44</b>
Data collection and analysis	44
Quality assurance	46

## Terminology and methodology

Wellington Water is a Council Controlled Organisation, not a government or departmental agency as defined in Schedule 2 of the Public Service Act 2020.<sup>1</sup> Throughout this report we refer to Wellington Water as ‘the agency’ using the generic meaning of that word.

The investigation involved consideration of the agency’s supporting administrative structures, leadership and culture, policies, processes, practices, decision-making and record-keeping.

Our investigation included a review of:

- publicly available material;
- an agency questionnaire seeking internal documents and commentary relating to official information processing and practice (referred to throughout this report as the ‘*agency questionnaire*’);
- an online survey of the public (referred to throughout this report as the ‘*public survey*’);
- an online survey of agency staff (referred to throughout this report as the ‘*staff survey*’);
- a sample of LGOIMA request files; and
- a sample of media information request files.

Our investigation also included interviews with a number of key people to assist our understanding of each agency’s LGOIMA culture, processes, and practices:

- investigators spoke with a selection of staff and managers in different departments/teams involved in making decisions about, and preparing responses to, official information requests;
- the former Chief Ombudsman spoke with the Chief Executive of the agency during his tenure.

My opinion relates to the agency’s practice during the period in which this investigation took place, being September 2024 to June 2025.<sup>2</sup>

### Legislation referred to in this report

- [Local Government Act 2002](#) (LGA)
- [Local Government Official Information and Meetings Act 1987](#) (LGOIMA)
- [Ombudsmen Act 1975](#) (OA)
- [Public Records Act 2005](#) (PRA)

---

<sup>1</sup> Link to [Public Service Act 2020](#)

<sup>2</sup> On occasion, we may look at material from outside the investigation period where particular issues warrant further investigation.

**Note from Chief Ombudsman John Allen**

Since Peter Boshier's term as Chief Ombudsman ended on 28 March 2025, I have assumed responsibility for the self-initiated investigation into the Local Government Official Information and Meetings Act 1987 (LGOIMA) policies and practices of Wellington Water. Reference in this report to 'the former Chief Ombudsman' refers to Peter Boshier.

## Summary

### Leadership and culture

Achieving the purposes of the LGOIMA depends significantly on the culture of an agency and the attitudes and actions of its leaders. Chief Executives and senior managers should take the lead in developing an environment that promotes openness and transparency.

Staff were surveyed and interviewed about the messaging received from senior leaders regarding the agency's commitment to promoting openness and transparency in its responses to LGOIMA requests.<sup>3</sup> The overall view expressed was that Wellington Water generally tries to be open; however, there is little overt messaging from senior leaders to staff about the importance of the LGOIMA. We encourage the Chief Executive and senior leaders to make clear, visible, regular statements to staff about the importance of the LGOIMA and Wellington Water's commitment to openness and transparency. In its response to my provisional opinion, the agency committed to doing so.

Shortly after the announcement of this investigation, Wellington Water conducted a LGOIMA 'roadshow' which took a presentation to different areas of the business with the intention to increase awareness of LGOIMA obligations, and promote the work of the LGOIMA team. We strongly encourage this type of LGOIMA promotion/training and consider it should take place regularly, with attendance supported by senior leaders.

The LGOIMA page on Wellington Water's website is easy to locate and contains useful information for requesters. To enhance the page, we suggest the agency incorporate a notice signalling Wellington Water's overarching commitment to the principle and purposes of the LGOIMA, details about the right to request urgency and refer to the LGOIMA rather than the Official Information Act 1982.

It is commendable that Wellington Water publishes LGOIMA responses on its website. Publishing LGOIMA responses may help to reduce the LGOIMA workload, as duplicate requests can be referred to already published information. However, we also note that Wellington Water's practice around proactively releasing LGOIMA responses could be more consistent.

We encourage agencies to use different ways of communicating information to the public, and are pleased that Wellington Water uses multiple channels to communicate information. On its website, the agency publishes a range of information about work it is doing, including updates on specific projects and other information of high public interest, such as its criteria for prioritising water leak repairs. Staff also spoke of holding meetings with residents to share information.

---

<sup>3</sup> We note that around the same time Wellington Water staff were surveyed on LGOIMA practices, the agency appointed a new Chief Executive. Survey results should be read with this in mind. However, interviews were conducted after the new Chief Executive had been in the role for several months.

In response to a public survey, a small number of individuals commented about their experiences requesting information from Wellington Water and their general view of its openness. Some held the view that the agency should proactively release more information. We note that the public will not always agree with the decisions taken by local government authorities and entities, but when there is a lack of information about how and why decisions were made, this breeds distrust and suspicion. To counter this, agencies should be scrupulously open with information about the work they are doing

Action points: Leadership and culture
The Chief Executive and senior leaders should make clear, visible, regular statements to staff about the importance of the LGOIMA and Wellington Water’s commitment to openness and transparency.
Consider how the LGOIMA roadshow can become an ongoing LGOIMA training and awareness tool for staff.
Review and update the LGOIMA request section of Wellington Water’s website, incorporating our suggestions.

**Organisation structure, staffing and capability**

It is expected that agencies will organise their structure and resources to ensure they are able to meet their legal obligations under the LGOIMA.

Wellington Water uses a centralised model for handling LGOIMA requests where a core group of staff act as the LGOIMA ‘centre of excellence’. The model appears appropriate for the agency given its size and the volume of requests received. However, it is important that such a structure is supported by sufficient resilience arrangements which allow the system to operate smoothly in the event of staff attrition, or a spike in the LGOIMA workload.

Prior to mid-2024, there was only one employee in a dedicated LGOIMA role. It seems clear that it was insufficient to have a single person in this role, as it resulted in a backlog of LGOIMA requests. Wellington Water subsequently expanded its LGOIMA team to two staff members. Increasing the size of the LGOIMA team has improved the team’s capacity and capability to comply with LGOIMA obligations.

We suggest Wellington Water consider how it can further build resilience arrangements into its LGOIMA handling processes. For example, some agencies with a centralised LGOIMA process have staff who act as ‘LGOIMA champions’. LGOIMA champions can assist LGOIMA Advisors to, for example, gather information and help marshal LGOIMA requests through the process in compliance with timeliness obligations. They can also be trained to step in to assist with LGOIMA handling when needed.

We note that, as the LGOIMA team was created in mid-2024, it is still developing processes and materials such as LGOIMA guidance, alongside handling a full LGOIMA workload. Additionally, the LGOIMA function has had a number of different direct managers in a short time. In his

discussion with the former Chief Ombudsman, the Chief Executive recognised that the lack of consistent leadership is a vulnerability and a challenge for the LGOIMA team.

In a centralised model, there must be cooperation between business units and the LGOIMA team. We note it should not be solely up to the LGOIMA team to have to impress upon the rest of the organisation the importance of the LGOIMA function. Rather, the LGOIMA team should be supported with clear messaging from the Chief Executive and senior leaders, in order to build an organisation-wide commitment to LGOIMA compliance and an understanding that all staff have a role to play.

In response to a question in the staff survey, a high percentage of respondents answered that they had received no training on the LGOIMA. We encourage the agency to ensure comprehensive and on-going LGOIMA training is available for staff. Not only will this increase LGOIMA awareness and expertise, which is likely to lift the quality of LGOIMA responses, it also demonstrates the agency’s commitment to LGOIMA compliance. The agency may be able to leverage its relationships with its share-holding Councils to expand the range of training it can make available to staff.

Information Management (IM) training appears to be another area where Wellington Water can make considerable improvement. We encourage the agency to ensure training is available for staff on IM systems and record keeping obligations that is role-specific, and includes guidance on information retrieval as well as information storage.

Actions points: Organisation structure, staffing and capability
Consider how resilience arrangements can be built into the LGOIMA handling process.
Ensure comprehensive and on-going LGOIMA training is available for all staff at a level appropriate to their role.
Ensure IM and record keeping training is delivered to all staff, including comprehensive training at induction with regular refresher training available.

### Internal policies, procedures and resources

Some staff survey respondents and interviewees raised IM systems as a key area where improvements could have an impact. Multiple people stated that there were issues with finding information. In particular, some staff interviewees said that they did not feel confident that all information within the scope of a request could be found, or was correct information.

At his meeting with the former Chief Ombudsman, the Chief Executive advised he is aware of the limitations of the IM systems and noted that Wellington Water has sought funding to upgrade them. Wellington Water is owned by six shareholding Councils. This means it is reliant on its shareholding councils for funding to improve or replace IM systems.

Where there are known issues with IM systems, it is all the more important that agencies encourage sound record keeping practices which align with policy and guidance, and ensure staff are sufficiently trained on the effective use of such systems. We suggest Wellington

Water engage with Archives NZ's guidance to assist the development of a strategy for improvements to IM systems and processes. In addition, the agency may wish to take advantage of the guidance offered by the Association of Local Government Information Management (ALGIM).

Wellington Water provided two IM and record keeping guidance documents for review as part of this investigation. There are positive aspects to both of the resources; they are clearly and succinctly written in plain English.

To enhance the IM documents, we suggest Wellington Water add more detail about compliance with relevant legislation, correct a small error in one policy, and, in the same policy, note that information may only be withheld where good reason exists under the LGOIMA. The agency should also consider implementing document naming conventions and incorporate these into its IM guidance.

Once Wellington Water updates its IM policy and guidance, we suggest the agency re-launch the documents to staff accompanied by messaging from senior leaders about the importance of good record keeping and how this enables LGOIMA compliance.

We strongly encourage agencies to proactively release responses to LGOIMA requests as a demonstration of openness, and to potentially reduce the LGOIMA workload. Wellington Water has a practice of proactively publishing some responses to LGOIMA requests, for which we commend it. We saw evidence during this investigation of genuine attempts by the agency to expand the amount and type of information it publishes about its work.

To underpin practice, we suggest that Wellington Water, in consultation with its six shareholding Councils, develop a policy which sets out agreed priorities and a process for consultation and decision making on the proactive release of information when that was provided by, or is related to, those councils. In response to my provisional opinion, the agency confirmed it would do so. Once finalised, Wellington Water should publish its proactive release policy.

Wellington Water has a draft LGOIMA process guide which contains useful information. We suggest the agency incorporate further detail into the guide on key aspects of LGOIMA handling, such as applying the public interest test and withholding grounds. Wellington Water should also develop and publish a LGOIMA policy that provides a framework for how the agency will approach LGOIMA requests.

Action points: Internal policies, procedures and resources
Prioritise engaging with Archives NZ to discuss a strategy for improvements to IM systems and processes, with a particular emphasis on ensuring information within the scope of LGOIMA requests can be located.
Review and update the IM policy and IM guidance in accordance with our suggestions.
Consider implementing document naming conventions and incorporating these into IM guidance.



#### Action points: Internal policies, procedures and resources

Once updated, accompany the release of the IM policy and IM guidance with messaging from senior leaders about the importance of good record keeping and how this links to LGOIMA compliance.

Prioritise the development of a comprehensive proactive release policy, in consultation with shareholding Councils where relevant, incorporating our suggestions.

Once finalised, publish the proactive release policy.

Continue to develop LGOIMA process map and LGOIMA guidance incorporating our suggestions.

Prioritise the development of LGOIMA policy incorporating our suggestions, and publish the policy once it is finalised

## Current practices

The effectiveness of LGOIMA is largely dependent on those who implement it on a day-to-day basis, and how they use the resources available to them to best effect. The two-member LGOIMA team receives, processes and dispatches LGOIMA requests received by email and via its website, and from its Communications Team. The LGOIMA team also handles '*elected member requests*', which are typically queries on operational matters received from elected members and funnelled to Wellington Water via its shareholding Councils.

In the sample files we reviewed, standard practice was to send the commissioning email in the first instance to the Chief Officer (CO), formerly named the General Manager, of the relevant business unit. However, through the course of the investigation we were advised by staff that there has been a change to the LGOIMA handling process, wherein the commissioning email sent by the LGOIMA team bypasses the CO.

Although it is up to each agency to determine the particulars of their LGOIMA handling process, we note contacting or copying in COs early in the process may be a beneficial step. Contacting COs could be an effective way to ensure the right subject matter expert or experts is/are engaged to help find information. It also gives the relevant CO an awareness of the information requests that are in their sphere.

We saw examples of aspects of LGOIMA handling that Wellington Water consistently does well, such as sending out acknowledgement emails, engaging the agency's Data team to help search for information and keeping track of due dates to endeavour to achieve compliance with the LGOIMA.

In the LGOIMA files reviewed we saw good record keeping discipline, with both redacted and un-redacted versions of requested information kept, and all internal and external email correspondence appearing to be diligently saved. The agency should also ensure that records of substantive discussions regarding LGOIMA decision making are kept in LGOIMA files.

Wellington Water is clear in its guidance that LGOIMA requests can only be extended for valid reasons, and it is good to see that this is reflected in practice. We also note the importance of having robust practices and guidance around dealing with LGOIMA requests involving substantial collation and research.

In some files, LGOIMA Advisors saved an 'IT request template'. This form is completed to request help from the Data team to locate information. Although this may not have been the intent of the document, it also serves as a record of the information searches conducted, which is something we encourage agencies to keep. We encourage Wellington Water to ensure that maintaining this record in LGOIMA files, where relevant, is embedded in its practice and guidance.

The agency does not appear to keep a discrete record or summary of its decision making process on LGOIMA requests, and we suggest it do so.

Wellington Water could also improve its practice around communicating to requesters its reasons for withholding information and the weighing of countervailing public interest considerations when information is withheld under s 7(2) of the LGOIMA. It is good practice to give the reason for withholding information in plain English and with as much specificity as possible (without, of course, revealing the information) rather than (or in addition to) reciting the wording from the relevant LGOIMA subsections.

In discussions with staff, and in the staff survey, a number of staff said that Wellington Water's practice had been to withhold all staff information including names and contact details as a matter course. It is positive that this 'blanket' practice appears to have recently changed. We encourage the agency to ensure it has a clear and proportionate approach to considering withholding staff names, and to ensure its approach is made clear to staff through LGOIMA training, policy and guidance.

Wellington Water's Communications and Engagement team is responsible for handling the majority of requests for information received from members of the media. We were pleased that in the sample files, media information requests were answered very quickly—mostly within the same day. No requests we saw took longer than two working days to complete.

However, investigators were advised that, if a LGOIMA request is particularly complex, the Communications team does not send the request directly to the LGOIMA team. Rather, the requester is advised that the LGOIMA team are '*best placed*' to respond, and the request should therefore be resubmitted to the LGOIMA Team via email or through Wellington Water's website.

There is no basis for the Communications and Engagement team to refuse to provide the information and ask the person to resubmit their request to a different part of the same organisation. Accordingly, it is my opinion that Wellington Water has acted unreasonably by refusing in some cases to provide information requested by media and asking the person to resubmit their request to a different part of the same organisation.

We saw other practices which appear to show that media information requests are not always considered with LGOIMA compliance in mind. There were two examples of Wellington Water

refusing media information requests without providing a valid reason under the LGOIMA, and without informing the requester of their right to make a complaint to me, as required by sections 18(a)(i) and 18(b) of the LGOIMA. Accordingly, it is my opinion that Wellington Water has acted contrary to law by not always meeting its legal obligation under section 18 of the LGOIMA.

The agency confirmed, in its response to my provisional opinion, it had already begun to amend the practices of its Communications and Engagement Team to align with s 18 of the LGOIMA. Accordingly, I have not made a recommendation in relation to the two findings above.

Overall, the Communications and Engagement team's record keeping practices were very good. The team keeps a summary table of each request which includes the deadline date, details of the enquiry, whether approval is required, and the response. We suggest Wellington Water consider including in this summary a record of whether or not the request is for information, comment or interview.

#### Action points: Current practices

Review practice around the involvement of COs in the LGOIMA handling process.

Ensure substantive discussions on LGOIMA decision making are captured in writing and saved to LGOIMA SharePoint files.

Ensure that IT request forms are saved in LGOIMA files and that this is embedded in practice and guidance.

Where applicable, keep a summary of decision making processes on LGOIMA requests.

Include the reasons, in plain English, for withholding information under section 7(2) of the LGOIMA in response letters to requesters.

Where information is withheld under s 7(2) of the LGOIMA, ensure the agency's genuine consideration of countervailing reasons in the public interest to release the information is expressed to the requester in the LGOIMA response.

Ensure the agency's approach to withholding staff names from LGOIMA responses is clearly set out in LGOIMA training, policy and guidance.

Where relevant, ensure media requests for information are internally transferred to the LGOIMA team rather than the onus being on the requester to submit a new request.

Review and update the media enquiries summary table, incorporating our suggestions.

## Performance monitoring and learning

All requests for information handled by the LGOIMA team are recorded in a spreadsheet, which captures a range of information. It is commendable that data collected in the spreadsheet is reported to senior leaders on a regular basis. In response to my provisional

opinion, the agency advised that it will soon be introducing a SharePoint-based system which will improve reporting capability.

Unlike many agencies, Wellington Water does not appear to report, nor have a performance target, on the percentage of LGOIMA responses responded to within the maximum allowable timeframe to communicate a decision under the LGOIMA, being 20-working days. While the percentage of on-time responses is a somewhat blunt tool which does not express everything about the quality of LGOIMA performance, it is a useful measure which should be reported to senior leaders.

With this said, the Chief Executive did have an awareness of Wellington Water’s performance in this respect, advising my predecessor that timeliness against the 20-working day timeframe was ‘*about 90 percent.*’ We encourage agencies to publish data on LGOIMA performance to drive accountability and demonstrate openness.

In addition to timeliness performance and the data already included in the quarterly report, there is a broad range of data an agency may collect and analyse, such as the type of request, reasons for extensions, and number of charges made and collected.

However, we are aware that the process of collecting additional data, analysing it, and including it in performance reporting can be a resource intensive activity and the small LGOIMA team already has a full workload. We encourage the agency to consider expanding the range of LGOIMA performance data it reports to senior leaders, focussing on those areas which might have the biggest impact on performance, and striking a balance where the time taken to collect this data does not, in itself, negatively impact performance.

Wellington Water has a robust yet not overly layered, sign out process for LGOIMA responses which includes a process of peer review. We also encourage Wellington Water to develop a quality assurance process for completed requests, to gain valuable, qualitative data.

Action points: Performance monitoring and learning
Establish LGOIMA performance targets which should include timeliness performance, and make this known to staff.
Publish LGOIMA performance data to demonstrate openness and drive accountability.
Consider collecting more comprehensive data on LGOIMA request handling so that opportunities for performance improvement can be identified, and include this in reporting to senior leaders.
Consider developing a quality assurance process for completed LGOIMA requests.

## My opinion

Through the investigation process, we have identified a number of things that are going well in the LGOIMA request process. There appears to be good understanding and practice around the valid use of extensions, and some promising work is being done by the LGOIMA team to develop LGOIMA guidance. It is also good to see indications that Wellington Water is committed to improving its practices around proactively releasing information.

We have also identified areas of vulnerability that we consider the Council should address. The utility of Wellington Water's Information Management (IM) systems are a concern. I acknowledge that the agency is taking steps to address this, although more may be done in terms of IM policy, guidance and training for staff which could help to mitigate risks in that area.

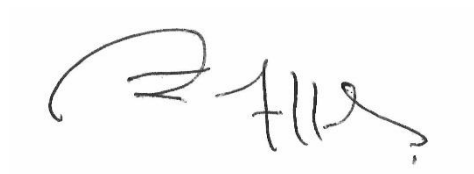
It was a concern to see that some information requests from the media did not always receive a response that aligned with the requirements of the LGOIMA. It is my opinion that the Council has acted contrary to law by not always meeting its legal obligation under section 18 of the LGOIMA to provide the reason when a request is refused and to advise the requester that they can make a complaint to me. It is also my opinion that Wellington Water has acted unreasonably by refusing in some cases to provide information requested by media and asking the person to resubmit their request to a different part of the same organisation.

In response to my provisional opinion, Wellington Water acknowledged that *'there were instances where section 18 [of the LGOIMA] requirements were not applied correctly, and media requests were handled inappropriately outside the statutory framework.'* It also confirmed that it has begun to address my concerns, stating *'(m)edia queries that contain elements of official information are now being formally logged and responded to under the LGOIMA. We are embedding this practice across the organisation and strengthening the operational interface between the Communications and LGOIMA teams to ensure accuracy and compliance.'*

Based on Wellington Water's response, I have not made a recommendation relating to my findings on media information request handling practices.

We have suggested 27 actions which we consider will improve the agency's practices. We are pleased that the agency confirmed in its response to my provisional opinion that it *'accept(ed) the provisional findings in full and confirm our commitment to implementing the necessary changes.'* The agency also said that it would be presenting a formal improvement plan to its Board. Some work toward implementing the action points is already underway, and we comment on these throughout the report.

I extend my thanks to Wellington Water for engaging positively with my Office throughout the investigation. We look forward to further productive engagement with the agency in the months to come as it works through our suggested action points.

A handwritten signature in black ink, appearing to read 'John Allen', with a large, stylized initial 'J'.

**John Allen**  
**Chief Ombudsman**  
June 2025

## Leadership and culture

Achieving the purposes of the LGOIMA depends significantly on the culture of an agency and the attitudes and actions of its leaders. Chief Executives and senior managers should take the lead in developing an environment that promotes openness and transparency. This environment should champion positive engagement with those who want to know and understand what work the agency is doing. It should also enable compliance with the principle, purposes and provisions of the LGOIMA.

To assess Wellington Water’s leadership and culture, we considered whether:

- the Chief Executive, senior leaders and managers demonstrate a commitment to meet LGOIMA obligations and actively foster a culture of openness;
- senior leadership have established an effective strategic framework that promotes a culture open to the release of information; and
- senior leadership demonstrate a commitment to proactive disclosure, and public participation with clear links to strategic plans creating a public perception, and a genuine culture, of openness.

When leaders view compliance with the LGOIMA as an opportunity to be more open, transparent and accountable, staff will be encouraged to follow suit.

### Staff perceptions of the agency’s openness

As part of this investigation, the former Ombudsman surveyed staff about LGOIMA practices at Wellington Water.<sup>4</sup> The online survey asked staff about their impression of Wellington Water’s overall commitment to a strong culture of openness and public participation.

#### Staff survey respondents’ impressions of Wellington Water's overall commitment to a strong culture of openness and public participation, by percentage.

Strongly or moderately pro openness and public participation	Strongly or moderately anti openness and public participation	It is silent on the issue or ‘I don’t know’
79	15	6

The survey of staff showed that most respondents perceive the agency to be open about the work it is doing. However, of the five local authorities in this tranche of investigations, comprising three councils and two council-controlled organisations, Wellington Water has the

<sup>4</sup> We received 75 responses to the survey of Wellington Water staff. There were 370 staff employed by Wellington Water as at 1 January 2024, according to a LGOIMA response published on the agency’s website.

lowest percentage of staff respondents who consider the agency to be strongly or moderately-pro openness. The average percentage across the other four agencies is 91 percent.<sup>5</sup>

Staff explained in their survey responses why they hold this perspective, with the majority of comments indicating a positive view of the agency's approach to openness:

*We are often quite open and transparent with the media, which is sometimes to our own detriment, but I believe that the public deserve transparency, so it is a good thing.*

*The commitment is there, our systems are our limitation.*

*My opinion is there is/was great leadership from the new CE and the previous CE.*

*I believe that Wellington Water are appropriately open and transparent with LGOIMAs to meet the intent of the LGOIMAs requested. They are also mindful of redacting information as appropriate but still with intent of fulfilling the LGOIMA request.*

*We always seem to be open and transparent and put information on our website so that people can see it.*

*Culture is good, but structures need work. And sometimes I think we are too open to transparency, which causes increased bad public opinion and misinformation.*

*Wellington Water is much more open than many other Government organisations I've worked for.*

*With new leadership, there appears to be a heightened desire to ensure openness and transparency in how we operate the whole business.*

There were a smaller number of comments that were less positive:

*It's not a priority or something that is ever discussed.*

*In my opinion, while we say all the right things in terms of openness and transparency, our actions go against this.*

A local authority's culture around openness is also shown through its practices, such as its compliance with LGOIMA obligations, and in its practice around proactively releasing information. We will discuss these further under [Current practices](#) and [Proactive release policy](#).

---

<sup>5</sup> Those agencies are:

- Auckland Transport.
- Marlborough District Council.
- Queenstown Lakes District Council.
- Wellington City Council.



## Messaging to staff from senior leaders

Agencies' senior leaders must role model open and transparent behaviour by ensuring that LGOIMA practices and processes are transparent, and promote accountability. They should also demonstrate clear knowledge and support for their obligations set out in the LGOIMA. Chief executives must make clear, regular statements to staff and stakeholders in support of the principle and purposes of official information legislation, and remind staff about their obligations. Consistent, clear messaging and behaviours communicate a real expectation that organisations are committed to openness and transparency.

Senior leaders can actively promote a culture of openness through clear messaging in their regular communications via, for example:

- in statements published on intranet pages and internal emails and newsletters;
- as standing items in internal meetings; and
- in high-level statements in written guidance and policy.

In the online survey, staff were asked for their view of the messaging they received from senior leaders about the agency's commitment to promoting openness transparency in its responses to information requests made under the LGOIMA.

### **Staff survey respondents' impressions of Wellington Water's commitment to promoting openness transparency in its responses to information requests made under the LGOIMA, by percentage.**

Leadership level	Strongly or moderately supportive	Strongly or moderately negative	'They are silent on the issue' or 'don't know'
Chief Executive	68	3	28
Senior Leadership	71	3	26

The online survey was made available to staff from September 2024, the same month that a new Chief Executive of Wellington Water was appointed. It is difficult to be sure whether staff based their answers on their perceptions of messaging from the previous or the new Chief Executive. We note, though, that the percentage of staff who answered the Chief Executive was 'silent on the issue' or 'I don't know' are only very slightly higher than the average of 26 percent across the other four agencies under investigation.

Investigators spoke with some staff members involved in different aspects of LGOIMA handling, in February 2025, by which time the Chief Executive had occupied the role for several months. In those discussions, staff echoed the general view expressed in the survey: The agency generally tries to be open, however, there is little overt messaging from senior leaders to staff about the importance of the LGOIMA.

Messaging is not entirely absent, however. In October 2024, shortly after the announcement of this investigation and the appointment of a new Chief Executive, the agency conducted a

LGOIMA ‘roadshow’ which took a presentation to different areas of the business with the intention to increase awareness of LGOIMA obligations, and promote the work of the LGOIMA team. It appears that much thought and effort was put into this presentation by the LGOIMA team. The presentation was specifically tailored to each business unit it was presented to.

We strongly encourage this type of LGOIMA promotion/training and we consider it should take place regularly and attendance should be supported by senior leaders. I was disappointed to learn from staff that several business units pulled out of the roadshow. This was a missed opportunity by senior leaders to send an unequivocal message to staff about the importance of the LGOIMA, and the fact that compliance with the LGOIMA is a core part of every staff member’s role.

In discussion with the then General Manager (now ‘Chief Officer’ (CO))<sup>6</sup> with responsibility for the LGOIMA team, investigators learned that there are no immediate, firm plans to repeat the roadshow. This, too is a missed opportunity. LGOIMA training and awareness should be an ongoing activity rather than a one-off event. We encourage the agency to incorporate the LGOIMA roadshow in some form, as a regular event and for senior leaders to encourage attendance.

Staff who worked directly with senior leaders tended to have a clearer impression that leadership was supportive of openness. However, there appears to be little direct messaging from the Chief Executive to all levels of the organisation promoting the importance of the LGOIMA and the value of openness.

In his meeting with the Chief Executive, the former Chief Ombudsman discussed Wellington Water’s general culture and awareness around LGOIMA compliance:<sup>7</sup>

*The staff in the organisation don’t understand the importance of responding to a LGOIMA, and our (LGOIMA team) are left feeling like they’re unsupported...I can do something about (that).*

We are pleased the Chief Executive recognises the importance of LGOIMA awareness among staff, even those staff who may not be, or are infrequently, involved in LGOIMA handling. We are also pleased that he recognises his role in raising the profile of the LGOIMA team, and has expressed a commitment to doing so. The Chief Executive is ultimately responsible for ensuring the agency is committed to LGOIMA compliance, and has a robust culture around openness and transparency. We encourage the Chief Executive and senior leaders to make clear, visible, regular statements to staff about the importance of the LGOIMA and Wellington Water’s commitment to openness and transparency.

Leaders also signal the importance of the LGOIMA in how they perform their role in LGOIMA processes, and in how well the LGOIMA function is resourced, promoted and supported. We are concerned that there is limited overt messaging to staff about the importance of the

---

<sup>6</sup> Following a restructure in February 2025, some tier-2 roles are now titled Chief Officers rather than General Managers

<sup>7</sup> The meeting between former Chief Ombudsman, Peter Boshier, and Chief Executive of Wellington Water, Pat Dougherty, took place on 14 March 2025.

LGOIMA, and that Wellington Water’s actions may undermine any messaging that does exist in support of the LGOIMA. In particular, there is a lack of LGOIMA training for staff, and there has been a lack of consistent support for the LGOIMA team from senior leaders. We will discuss these in greater depth under, respectively, [LGOIMA training](#) and [LGOIMA handling model and resilience](#).

In response to my provisional opinion, the agency confirmed that its Chief Executive and leadership team have taken ownership of an improvement process around LGOIMA culture. It stated that *‘LGOIMA will be a standing priority in senior leadership messaging and training, with clear expectations around tone, responsiveness and professional quality.’*

#### Action points

The Chief Executive and senior leaders should make clear, visible, regular statements to staff about the importance of the LGOIMA and Wellington Water’s commitment to openness and transparency.

Consider how the LGOIMA roadshow can become an ongoing LGOIMA training and awareness tool for staff.

## Messaging to the public

The public’s perception of an agency’s openness is heavily influenced by how easy people find it to locate information about the work it is doing and to request access to information. The helpfulness of an agency’s overall messaging about accessibility and openness, is also key to this perception.

The LGOIMA page on Wellington Water’s website is located one ‘click’ from the homepage, under the heading ‘About us’. This page contains useful information for requesters, including:

- a link to guidance on how to make an official information request, produced by my Office;
- several methods for submitting requests, including via email, post, or through an online form;
- the maximum 20-working day timeframe for responding to requests; and
- the ability of the agency to apply a charge for the supply of information in some circumstances.

The section of the website about LGOIMA requests is an opportunity for the agency to signal its overarching commitment to the principle and purposes of the LGOIMA. The LGOIMA section lacks such a notice and we consider the agency may benefit from adding one. It would also be useful to provide information for requesters about the right to request urgency. (The agency should also have criteria for considering requests for urgency which should be in a published LGOIMA policy. We will discuss this further under [LGOIMA policy and guidance](#).)

We note that the section of the website on which LGOIMA responses are published is incorrectly titled 'Official Information Act Responses'.<sup>8</sup> To avoid confusion, Wellington Water should ensure that the legislation is referred to correctly on its website, as the LGOIMA.

That aside, we commend Wellington Water for publishing LGOIMA responses on its website. Publishing LGOIMA responses may help to reduce the LGOIMA workload as duplicate requests can be referred to already published information. It can also be a good demonstration of openness and transparency, particular when the practice is regular and based on the principle of availability in the LGOIMA, which states that information should be released unless good reason exists to withhold it.

Wellington Water's practice around proactively releasing LGOIMA responses is somewhat inconsistent, with one senior staff member noting that there could be gaps of several months without a LGOIMA response being published. Although staff spoke of some general criteria for selecting which responses to publish, such as not publishing information which is purely in the interest of the requester rather than having broad public interest, the criteria are not codified. We will discuss this further under [Proactive release policy](#).

In addition to proactively releasing some LGOIMA responses, Wellington Water publishes on its website a range of information about work it is doing, including updates on specific projects and other information of high public interest, such as its criteria for prioritising water leak repairs.

We encourage agencies to use different ways of communicating information to the public, in addition to releasing documents. This might include using social media and communicating directly and in person with residents on projects that affect them. We are pleased that Wellington Water uses multiple channels to communicate information. For example, staff spoke of holding several meetings with residents about on-going maintenance at the Seaview Wastewater Treatment Plant, which is a topic of strong interest to those who live nearby.

Wellington Water also posts information on community pages on social media platforms such as Facebook.

#### Action point

Review and update the LGOIMA request section of Wellington Water's website, incorporating our suggestions.

## Public perceptions of openness

One of the indicators of good practice for local government agencies is that *'(t)he public and stakeholders perceive the agency to be open and transparent'*. This investigation included a survey of the public, asking respondents about their experiences requesting information from the agency and their general view of its openness.

---

<sup>8</sup> Retrieved on 25 April 2025 - <https://www.wellingtonwater.co.nz/about-us/official-requests/official-information-act-responses>

It is worth noting that there were only 21 respondents to the public survey, a very small and self-selected percentage of the six Council constituencies served by Wellington Water. However, although the pool of respondents was small, their views should not be overlooked.

Respondents were asked ‘What is your impression of the agency’s commitment to conducting its business with openness and transparency?’ Eighty percent of respondents said they considered that Wellington Water had a strongly or moderately negative approach to openness and transparency.<sup>9</sup>

Respondents commented on why they held these perceptions, and any actions or practices they would like the agency to implement in relation to openness and transparency. A sample of their answers is below:

*I’d love for them to own when they have a problem and be upfront about it. We can problem solve or be in a common understanding together. Perhaps storytelling in an awareness campaign of the state of the network - they did tell me that most of the pipes were built post WWII as part of the building (and baby) boom. That’s why so many are due for replacement now.*

*Proactively release plans for the district at each phase.*

*As an organisation they need to remember that they are acting for us and on our behalf.*

*Answer LGOIMAs on time and without excuses.*

*Full honesty, disclosure and truth.*

*Release information in accordance with the Act when requested. Or even better proactively release when they know it is of significant public concern and interest. We have a right to know what we are paying for, like any other public agency.*

*I would like the organisation to be more transparent around when requesters can expect an LGOIMA response back. I think Wellington Water needs to reflect why problems in this area occur and improve their resources to deal with LGOIMA requests in a timely manner.*

Public perceptions can negatively impact the willingness to make information available when agencies are concerned information may be misused, misrepresented or even weaponised against it, and agencies may be tempted to withhold information from the public in order to avoid reputational risk. While we have not directly observed this through our investigation, a lack of openness can result in further suspicion and is ultimately counterproductive. The public will not always agree with the decisions taken by local government agencies, but when there is a lack of information about how and why decisions were made, this breeds distrust and suspicion. To counter this, agencies should be scrupulously open with information about the work they are doing.

---

<sup>9</sup> Thirteen percent of respondents said they ‘didn’t know’ and 7 percent said they considered the agency was ‘moderately committed to openness and transparency’.

A key part of enhancing both practice and perceptions around openness is having a comprehensive proactive release policy with accountability for adherence assigned to a senior leader. We will discuss this further under [\*Proactive release policy\*](#).

## Organisation structure, staffing and capability

It is expected that agencies will organise their structure and resources to ensure they are able to meet their legal obligations under the LGOIMA in a way that is relevant to their particular size, responsibilities, and the amount of interest in the information they hold.

To assess Wellington Water's organisational structure, staffing, and capability, we considered whether it had the:

- capacity to discharge its LGOIMA obligations with clear and fully functioning roles, accountabilities, reporting lines, delegations and resilience arrangements; and
- capability to discharge its LGOIMA obligations.

### LGOIMA handling model and resilience

Wellington Water operates a centralised model for handling LGOIMA requests. Requests for information held by Wellington Water are received by the LGOIMA Team to be processed by LGOIMA Advisors. The advisor assigned to the LGOIMA request will determine which business unit or units hold the information requested and send a 'commissioning email' to the relevant team, seeking the information requested along with other input and context that may be required. Once the information has been received, the LGOIMA Advisor drafts a response letter which goes through a peer review process and is signed-out by a LGOIMA decision maker—typically the relevant CO or the Chief Executive—and the final response is dispatched by the LGOIMA Advisor.

This model appears appropriate for the agency given its size and the volume of requests received, which is significant at approximately 200 to 300 per year. It is appropriate to have a core group of staff who act as the LGOIMA 'centre of excellence', calling on expertise from subject matter experts (SME) as required to add context to LGOIMA responses; simplify complex topics so they are accessible to requesters; and, to source information relating to the request. For this model to work effectively there must be sufficient resilience arrangements to allow the model to operate smoothly in the event of staff attrition or a spike in the LGOIMA workload, and SMEs must be responsive to requests to provide information and input.

In mid-2024, Wellington Water expanded its LGOIMA team to two, comprising a Senior Advisor and an Advisor. Prior to this, there was only one employee in a dedicated LGOIMA role. It seems clear that it was insufficient to have only one resource in this role, as it resulted in a backlog of LGOIMA requests which, the agency advised us, had fallen afoul of LGOIMA timeliness obligations. We also saw—in materials provided by Wellington Water as part of this investigation—that some functions of the Advisor role, such as collating LGOIMA performance reporting for senior leaders, failed to occur when the single staff member was on leave.

Although increasing the size of the LGOIMA team is an obvious improvement in the team's capacity and capability to comply with LGOIMA obligations, we still have concerns about Wellington Water's resilience in the event of an increase in the number of LGOIMA requests,

or staff attrition or absence. If one staff member is away the other must assume all the tasks the LGOIMA team performs, and the agency has no resilience arrangements in place.

Wellington Water should consider how it can build resilience arrangements into its LGOIMA handling processes. For example, some agencies with a centralised LGOIMA process have staff who act as ‘LGOIMA champions’. These are subject matter experts appointed within business units throughout the agency, particularly those that have high a LGOIMA workload. As an adjunct to their primary role, ‘LGOIMA champions’ act as liaisons between their business unit and the LGOIMA team. With a combination of subject matter and LGOIMA expertise—gained through targeted LGOIMA training—LGOIMA champions can assist LGOIMA Advisors to:

- search for and collate information for responses to LGOIMA requests;
- find the appropriate subject matter expert to assist with requests;
- help marshal LGOIMA requests through the process in compliance with timeliness obligations.

When sufficiently trained, LGOIMA champions can also step in to assist with LGOIMA handling in the event of staff absence or attrition or a spike in the number of LGOIMA requests.

Because the LGOIMA team has formed only recently, it is still developing processes and materials such as LGOIMA guidance, alongside handling a full LGOIMA workload. Some staff who met with investigators said they were aware this placed a large amount of pressure on the small team which has lacked consistent support from senior leaders.

Through the course of this investigation, there has been no team leader or manager role within the LGOIMA team structure and, since the team was created in mid-2024, it has been placed under four different direct managers. While we accept that some of this turnover is due to long term staff absences which were outside the agency’s control, it remains that this ‘churn’ has not lent itself to developing stability in the LGOIMA team, nor has it allowed any single manager an opportunity to properly assess the LGOIMA function and the capacity of the team, and to implement any needed changes.

As the Chief Executive said in his discussion with my predecessor, *‘(the LGOIMA function has) always been a bit of an orphan – it’s been handed around so many times in the organisation and people underestimate just how important it is.’* We are pleased that the Chief Executive has recognised that the lack of consistent leadership is a vulnerability and a challenge for the LGOIMA team.

During the course of my investigation, a restructure took place in which it was initially proposed that the LGOIMA team be placed under the Regulatory Risk and Compliance group, with LGOIMA Advisors being direct reports of Wellington Water’s General Counsel. In response to my provisional opinion the agency advised this did not eventuate, although it stated that a *‘LGOIMA leadership role vacancy has been filled’* with the LGOIMA Team now reporting to the Head of Planning and Performance. The agency considers that this *‘...appointment reflects the Chief Executive’s direction to establish strong subject matter expertise, ensure legal*



*compliance, and hold the business to account.’ I note that it is not a permanent position but ‘... an interim appointment while longer-term arrangements are being worked through...’*

In a centralised model, there must be cooperation between business units and the LGOIMA team. LGOIMA compliance can be compromised if business units do not provide the LGOIMA team with all information they hold in the scope of LGOIMA requests in a timely manner. LGOIMA staff advised me that it is sometimes necessary for them to follow up with SMEs where requested information has not been provided in the given timeframe, which can be time-consuming in a process with limited time available. While we saw examples in LGOIMA sample files of SMEs responding to requests swiftly—and LGOIMA staff said that many SMEs and COs were excellent to work with—investigators were told there are pockets within the organisation where it was much more difficult to get a timely response and LGOIMA Advisors had to give multiple reminders in order to receive requested information.

We understand that it can be difficult for SMEs to balance LGOIMA requirements with their other duties. However, it is the responsibility of all staff to adhere to relevant legislation, which includes the LGOIMA. LGOIMA Advisors’ time is best spent handling LGOIMA requests, rather than having to follow up with staff to complete assigned tasks. We note, as well, the potential power imbalance when a staff member at an Advisor level may have to ‘chase up’ a staff member of a higher tier.

It should not be solely up to the LGOIMA team to have to impress upon the rest of the organisation the importance of the LGOIMA function, and the requirement of all staff to comply with its timeliness obligations. The LGOIMA team should be supported with clear messaging from the Chief Executive and senior leaders, in order to build an organisation-wide commitment to LGOIMA compliance and an understanding that all staff have a role to play. We discussed this earlier, under [Messaging to staff from senior leaders](#). The message should also be reinforced with LGOIMA training for all staff, tailored to their level of involvement in the LGOIMA process. We will discuss this further under [LGOIMA training](#).

#### Action point

Consider how resilience arrangements can be built into the LGOIMA handling process.

## LGOIMA training

The former Chief Ombudsman has in previous investigations outlined expectations for LGOIMA training, which include:

- training at induction offering introductory basic awareness of key official information principles;
- regular, on-going refresher courses;
- advanced material for relevant staff covering, for example:
  - proper application of the public interest and harm tests;

- dealing with broad, complex requests covering a large volume of information; and
- training for LGOIMA decision makers.

In its response to the agency questionnaire, Wellington Water advised that it has no programme of formal LGOIMA training although ad hoc, one-on-one training is given to staff who have a role in the LGOIMA process. However, the agency conducted a LGOIMA Roadshow in late 2024 with a goal of increasing LGOIMA awareness among all staff. We discussed this earlier under [Messaging to staff from senior leaders](#). As we suggested, Wellington Water should consider adopting the delivery of the roadshow to staff on a regular basis.

Although Wellington Water has a centralised LGOIMA team, staff who are not in a dedicated LGOIMA role nonetheless play a part in the LGOIMA process. SMEs are called on to provide information requested under the LGOIMA and give input on potential withholding grounds; COs are signatories on LGOIMA responses; and the majority of staff have a role in maintaining information in a manner that facilitates its retrieval under s 17 of the Public Records Act (PRA) which, in turn, facilitates LGOIMA compliance.<sup>10</sup> It is therefore important that all staff receive LGOIMA training to a level appropriate for their role.

In response to the question in the online staff survey, ‘(w)hen did you last receive any LGOIMA training at Wellington Water?’ 77 percent of respondents answered that they ‘haven’t received any training in the LGOIMA since working at Wellington Water’.<sup>11</sup> The high number of staff who have received no training on the LGOIMA is a concern, and a risk.

There is clearly a desire among staff for more LGOIMA training. Some of the comments received in the staff survey about LGOIMA training include:

*More training would be helpful. The processes can be very onerous in a very tightly constrained (labour) environment.*

*A refresher would be timely.*

*Training should be given to those collating information.*

*It would be good if training was mandatory for the SMEs.*

*Awareness and role specific training would be valuable. It is [currently] incumbent on the employee (outside of specialist teams) to understand their obligations in the process.*

*Basic understanding of the process would be an advantage.*

As senior leaders in the organisation COs should demonstrate clear knowledge and support of the requirements of the LGOIMA. As decision makers on LGOIMA requests, GMs should also have strong technical knowledge of the Act, including an understanding of withholding grounds

---

<sup>10</sup> Link to section 17 of the [PRA](#).

<sup>11</sup> Ten percent of respondents said they received training within the last year; nine percent said they received training one to two years ago; and three percent said they received training three or more years ago.

and, where applicable, how to weigh potential harms against the public interest in releasing information.

It is not uncommon to find a gap in the training delivered by agencies to their senior leaders, because it is assumed their background sufficiently equips them to make robust decisions. However, relying on an individual's knowledge and prior experience underestimates the benefits of ongoing training and regular refreshers, which should include changes in law or new opinions issued by this office. A lack of training for senior leaders, as for staff at any level, can leave the agency vulnerable to unintended poor practice that may be passed on to other staff and embedded into practice.

We encourage the agency to ensure comprehensive and on-going LGOIMA training is available for staff which encompasses the training expectations laid out above. Not only will this increase LGOIMA awareness and expertise, which is likely to lift the quality of LGOIMA responses, it also demonstrates the agency's commitment to LGOIMA compliance. In response to my provisional opinion, the agency advised that *'(a) practical training and engagement programme is being developed to improve how the business supports LGOIMA responses, including briefings for technical writers and subject matter experts.'* We look forward to seeing how this programme develops over the coming months.

Developing and delivering training can be a resource intensive activity. Although we strongly encourage Wellington Water to expand its LGOIMA training for staff, it may be unnecessary for the agency to develop a full suite of training, if resources already exist. For example, my office has an online LGOIMA training module which may complement the more bespoke aspects of agencies' induction or refresher LGOIMA training.<sup>12</sup>

We also note that Wellington Water works with six, shareholding councils, each of which are likely to have their own LGOIMA training programmes and materials. The agency may wish consider liaising with its shareholding councils to see if it can leverage these relationships to expand the training it can make available for its staff.

#### Action point

Ensure comprehensive and on-going LGOIMA training is available for all staff at a level appropriate to their role.

## Information Management training

We expect agencies to have training on Information Management (IM) and record keeping that is role-specific and includes guidance on information retrieval, as well as storage.

Wellington Water described its training for IM and record keeping in its response to the agency questionnaire as occurring '(a)s part of induction and on request.' The agency produces no IM

---

<sup>12</sup> Link to the Office of the Ombudsman website – [Te Puna Mātauranga](#)

training materials as such, although it does have [IM guidance and policy](#) available to staff, which we will discuss under the section of the same name.

In response to the question in the online staff survey, ‘(w)hen did you last receive training on record keeping/IM systems?’ 63 percent of respondents answered either that they ‘haven’t received any training in the LGOIMA since working at Wellington Water’ or that it had been more than four years since they had received training.<sup>13</sup> Of those who had received training, it was most common for them to note that IM and or record keeping had been mentioned to them at induction, or that they had received a general overview of how to use IM systems.

The online survey of staff asked ‘Are there any other resources that would assist you or other staff to understand record keeping obligations and information management systems?’ A desire for IM training was a strong feature in their responses:

*Training on IM systems and how it relates to LGOIMA.*

*Training Modules or guidance.*

*Better training, more obvious guidance and more active IM practitioners.*

*A good document management system and training on records management.*

*Training.*

IM training appears to be an area where Wellington Water can make considerable improvement. We encourage the agency to ensure training is available for staff on IM systems and record keeping obligations that is role-specific, and includes guidance on information retrieval as well as information storage. The effective use of IM systems for storage and retrieval, and the establishment of consistent, agency-wide practices is important not only in fulfilling LGOIMA obligations, but for efficient business practices generally. In the context of responding to LGOIMA requests, effective IM systems and record keeping practices facilitate LGOIMA compliance by ensuring staff can easily identify, access, and collate information relevant to requests.

Wellington Water’s IM systems are not a strength, as we will discuss further under [Information Management systems](#). While it is important for all agencies to provide sufficient training and guidance to staff on IM systems and record keeping practices, it becomes all the more crucial when those systems are, as reported by staff, ‘difficult to get accurate information from.’ Comprehensive training may help to mitigate the risk of information not being found where staff find systems difficult to use.

As we will discuss under [Information Management guidance and policy](#), Wellington Water can also make improvements to its IM guidance and policy which, once updated, could be used in staff training.

---

<sup>13</sup> Thirteen percent of respondents said they received training within the last year; 13 percent said they received training one to two years ago; and 11 percent said they received training three or more years ago. Percentages are rounded to the nearest whole number.

### Action point

Ensure IM and record keeping training is delivered to all staff, including comprehensive training at induction with regular refresher training available.

## Internal policies, procedures and resources

While it is not a legislative requirement or an assurance that compliance with LGOIMA will occur, we expect as a matter of good practice that agencies develop or adopt policies and procedures that will assist staff to apply the requirements of the Act consistently. In addition, staff should be supported by good systems, tools and resources, which enable them to effectively process requests that are consistent with the provisions in the Act.

To assess Wellington Water's internal policies, procedures and resources, we considered whether it had accurate, comprehensive, user-friendly and accessible guidance, which enables staff to comply with the principle, purposes and statutory requirements of the LGOIMA. This includes policies, procedures and resources in relation to:

- dealing with official information requests;
- records and information management; and
- proactive release of information.

### Information Management systems

Effective information management and record keeping is an essential enabler for proper access to information. We have serious concerns about the fitness for purpose of Wellington Water's IM systems in relation to its LGOIMA compliance. Inadequate or cumbersome systems create a risk that:

- staff will be unable to locate all information within the scope of a request;
- the process of finding information will be so time-consuming as to risk non-compliance with LGOIMA timeliness obligations; and
- the volume of information returned from a search which cannot be adequately refined, will lead to the agency declining requests on the basis that substantial collation or research is required.

In response to the agency questionnaire, Wellington Water described its IM systems in the following way:

*Wellington Water uses SharePoint 2016 (referred to internally as "Woogle") as its official system of record for organisational-wide information. Wellington Water also utilises SharePoint Online (as part of the Office 365 suite) to collaborate on documents as structural or project teams. In limited cases, traditional file shares (commonly referred to as "G-Drive" internally) are used by some teams instead of SharePoint Online.*

In the online survey, staff were asked how they would describe the IM systems in use at Wellington Water. Sixty percent of staff said there were several systems in use and that it was 'not clear how/for what type of information each should be used.'<sup>14</sup>

Respondents to the survey of staff described IM systems in the comments below:

*I would say there isn't a meaningful IM system.*

*We are under resourced for IM and several independent reviews have recommended additional investment in systems and technology platforms.*

*It is difficult to get accurate information from our systems.*

*IM Systems are unwieldy and documents can be difficult to find. There are a number of IM systems used to store documents. Personal knowledge of documents is often needed. This can hinder timeliness and risks under disclosure of request responses.*

*The records management system is outdated and clumsy. It is difficult to find the correct information.*

*It is confusing and hard to find what you're looking for.*

*People do complain that it is difficult to find information and to navigate IM systems at Wellington Water so I would imagine that it hinders timeliness in responding to LGOIMA.*

*We need a decent document management system.*

*There seem to be multiple systems (shared drive, woogle?, Q pulse?, sharepoint). I don't know how or when to use most of them so all my files go on the shared drive as it is user friendly and intuitive.*

*Its shonky and unreliable.*

*IM is poor at Wellington water. Each team does its own thing. That said, the records are there, but not accessible unless you know where to look.*

When asked '(a)re there any other resources that would assist you or other staff with handling LGOIMA requests?' some staff survey respondents raised IM systems as a key area where improvements could have an impact:

*Improved systems for storing and finding information.*

*A lack of information management makes it hard to find information.*

*A better document management system. Finding info takes too long.*

---

<sup>14</sup> Seven percent said 'There is one, centralised system for records storage'; twenty percent said there were multiple systems in use and 'it is clear how/for what type of information each should be used'. Ten percent selected 'Other'.

*It seems obvious to me that WWL's lack of strong knowledge management policy and practice (incl. document and data management) will, inevitably, hinder the quality and timeliness of any response made.*

Some staff investigators spoke with said they did not feel confident that all information within the scope of a request could be found and whether information was accurate, due to the limitations of IM systems. In relation to retrieving information for a LGOIMA request, meeting attendees said:

*We're constantly double and triple-checking – is this the correct information? And we don't always have 100 percent confidence that it is.*

*There is an absolute potential risk that the information is not provided.*

We also saw examples in sample information request files of IM systems inhibiting the ability of staff to source information within the scope of LGOIMA requests, which contributed to those requests being refused or partially refused. This goes against one of the key purposes of the LGOIMA, being to increase progressively the availability to the public of official information.<sup>15</sup> Without fit-for-purpose IM systems the agency is at ongoing risk of non-compliance with the LGOIMA.

Wellington Water is owned and fully funded by six shareholding Councils. This means it is reliant on its shareholding councils for funding to improve or replace IM systems. The former Chief Ombudsman discussed the current and future states of Wellington Water's IM systems with the Chief Executive. He is aware of the limitations of the IM systems, and he advised that Wellington Water has sought funding from shareholding Councils to upgrade them. In that conversation he said:

*I think our systems are not good. It's one of the things I've been talking to the councils about... There's no doubt about it, our current, old, stretched IM system which might have been suitable for [200-250] staff five years ago, is not suitable now and we really struggle as a result.*

Where there are known limitations in IM systems it is all the more important that agencies encourage sound record keeping practices which align with policy and guidance; and ensure staff are sufficiently trained on the effective use of IM systems to create, maintain and retrieve information. These are areas where the agency can make improvements which may help mitigate the shortcomings of the current IM system, until such time as the proposed upgrades can be implemented. We have discussed [IM training](#) earlier in the section of the same name; and we will discuss [IM guidance and policy](#) below.

We further suggest that Wellington Water engage with Archives NZ's guidance to assist the development of a strategy for improvements to IM systems and processes, with a particular emphasis on ensuring information within the scope of LGOIMA requests can be located.<sup>16</sup> In

---

<sup>15</sup> Link to s 4 of the [LGOIMA](#).

<sup>16</sup> The guidance on [How to develop an OIA information search policy](#) will be relevant, as will [Information and records management strategy](#) and [Integrated information and records systems](#).



addition, Wellington Water may take advantage of the guidance offered by the Association of Local Government Information Management (ALGIM). We look forward to hearing the outcome of this work and we will monitor Wellington Water's progress over the coming year.

#### Action point

Prioritise developing a strategy for improvements to IM systems and processes, engaging with the relevant resources from Archives NZ and ALGIM, with a particular emphasis on ensuring information within the scope of LGOIMA requests can be located.

## Information Management guidance and policy

We expect all agencies to have accurate and comprehensive IM and record keeping policies, procedures and resources which enable information relevant to a request to be identified and collated. Where there are multiple IM systems in use and/or the systems are not user-friendly, it becomes particularly important that clear guidance and processes such as document naming conventions exist, in order to mitigate any known short-comings in the IM system.

Wellington Water provided its information management and record keeping guidance document, titled '*ICT Procedures and Guidelines*' and its '*Information and record management policy*' for review as part of this investigation. We will refer to these respectively as Wellington Water's '*IM guidance*' and '*IM policy*'.

There are positive aspects to both of these resources. They are clearly and succinctly written, in plain English. The IM policy is clear as to its scope, stating that it applies to:

*...all Wellington Water staff including consultants, contractors and temporary staff, to all aspects of Wellington Water's business and all business information created and received. It covers information and records in all formats including documents, email, voice messages, memoranda, minutes, audio-visual materials and business system data.*

There are some additions which may improve the IM policy. We suggest Wellington Water add more detail about compliance with relevant legislation. Here, we would like to see a reference to the LGOIMA, and a clear link between Wellington Water's IM policy, and how this enables the accessibility of information under the LGOIMA. Wellington Water may also wish to add reference to the *Information and Records Management Standard* (which is issued under the PRA).<sup>17</sup>

The IM policy should also contain clearer information about the creation and maintenance of business information and records, specifically Wellington Water's expectations of where information should be kept.

I also note an error under the heading '*Classification*' within the IM policy. In relation to records which are to become archives, the IM policy states that '*All information is assumed to*

---

<sup>17</sup> Link to Archives New Zealand website, [Information and records management standard](#).

***be public record unless specifically categorized under the following classifications...***<sup>18</sup>

[emphasis added]. The correct expression of this statement should be that *'All information created at Wellington Water is considered a local authority record'*, Wellington Water being defined as a local authority for the purposes of the PRA. However, at the point when local authority records become local authority archives, external access can be restricted based on categorisation if there are good reasons.<sup>18</sup> The policy should also make it clear that where information is requested under the LGOIMA, the information cannot be withheld solely on the basis of its categorisation. Information may only be withheld where good reason exists under the LGOIMA.<sup>19</sup>

The IM policy should reflect an overarching information and records management strategy that focuses on leadership, accountability, and ongoing improvement. An executive sponsor should be identified, in line with the Information and Records Management Standard.

Wellington Water's IM guidance contains practical guidelines for staff on the use of communication tools and physical and cyber-security.

The IM guidance states clearly as a 'business rule' that personal drives and G, H and C drives are not to be used to store 'significant business documents', without information on how these are defined. It would be useful for the guidance to be clear on what is considered a significant business document.

Based on information received from staff through conversations with investigators and the online staff survey, as well in the agency's response to my predecessor's questionnaire, it appears that, in practice, the business rule about the use of personal and network drives is not consistently adhered to. As we noted earlier, under [Information Management systems](#), the agency responded in its questionnaire that some business units use network drives rather than SharePoint to store information.

The ambiguity around whether network drives can be used to store information creates a potential vulnerability for Wellington Water in respect of LGOIMA compliance. If shared drives are being used to store information, as it appears they are, Wellington Water should either transfer this information to SharePoint, or develop clear policy and guidance about their use, in order to reduce the risk that information cannot be found when it is requested under the LGOIMA.

Implementing document naming conventions is an important practice in enhancing information management, particularly where IM systems do not easily facilitate retrieval. Wellington Water should consider implementing document naming conventions and incorporate these into its IM guidance. As noted above, Archives NZ's website has good resources for local authorities on how to manage information, including practical guidance on

---

<sup>18</sup> Local authorities are responsible for managing their own local authority archives, rather than these being transferred to and managed by Archives NZ, which is the process for central government's public archives.

<sup>19</sup> Where information is withheld under s 7 of the LGOIMA, reason(s) to withhold information must be weighed against the public interest in the information being released.

implementing information management strategy and plans which Wellington Water may find useful.<sup>20</sup>

Once the IM policy and IM guidance are updated, we suggest that Wellington Water take the opportunity this affords to re-launch the documents to staff accompanied by messaging from senior leaders about the importance of good record keeping and how this enables LGOIMA compliance. We also note the IM policy and IM guidance can be incorporated in [IM training](#) for staff, which we discussed earlier in this report.

Action points
Review and update the IM policy and IM guidance in accordance with our suggestions.
Consider implementing document naming conventions and incorporating these into IM guidance.
Once updated, accompany the release of the IM policy and IM guidance with messaging from senior leaders about the importance of good record keeping and how this links to LGOIMA compliance, reinforced by user training.

## Proactive release policy

We strongly encourage agencies to proactively release responses to LGOIMA requests as a demonstration of openness, and to potentially reduce the LGOIMA workload. Wellington Water has a practice of proactively publishing some responses to LGOIMA requests, for which we commend it. We also consider it is important for this practice to be underpinned by a published, proactive release policy. This should include not only the agency's approach to publishing LGOIMA responses, but a wide range of information about work it is doing.

Developing and adhering to a proactive release policy is important to help ensure an organisation-wide commitment to:

- establishing proactive release as a BAU activity;
- developing a sound and consistent approach to proactive release procedures and decisions; and
- ensuring there is management accountability for the policy, particularly when this forms a part of an agency's published, corporate strategy.

Publishing the policy will make it clear to the public what type of information they can expect the agency to release, and it will drive accountability for releasing it according to the schedule set out in the policy.

Some administrative aspects of the proactive release of LGOIMA responses are covered in the LGOIMA process guide which we will discuss further under [LGOIMA guidance and policy](#).

---

<sup>20</sup> Link to Archives NZ website – [How to manage your information](#)

However, this does not constitute a proactive release policy. We expect a proactive release policy to include features such as:

- What information will be released, for example –
  - reports;
  - LGOIMA responses (including the criteria for determining the types of responses appropriate for release, and who makes that decision);
  - internal policies; and
  - advice and correspondence to councils which is in the public interest.
- The intended schedule for the release of information;
- The agency's approach to keeping track of published documents which are subject to periodic change, such as policy documents, to ensure the published versions are updated, replaced or removed when applicable.
- The senior leader who has accountability for ensuring the policy is adhered to.

We saw evidence during this investigation of genuine attempts by the agency to expand the amount and type of information it publishes about its work. A September 2024 paper about proactively publishing investment advice for councils, prepared for the senior leadership team, read:

*As an organisation we have been working on increasing the transparency of our information and data. SLT have had a number of conversations around proactively releasing key material and information on our website recently and there's an agreement in principal that this is a good idea as part of our commitment to being an open and transparent council controlled public entity.*

A senior member of staff whom investigators spoke to said the agency was aware of scoring some 'own goals' in the past in relation to withholding information that might harm public perceptions. That information came to light nonetheless, along with the fact that the agency had tried to avoid its disclosure. That staff member said the agency had learned from the experience and as a result *'There's a big push to be open and transparent.'*

In a meeting with the former Chief Ombudsman, the Chief Executive also advised that he is in favour of proactively releasing information. He explained that he was trying to develop a proactive rather than a reactive approach to releasing information, encouraging staff that *'(i)f you think it's going to be asked for, if you think the public are interested - put it on the website straight away. We're trying to build a reputation as a more transparent, open organisation.'*

Despite the agency's clear intentions to release more information, no proactive release policy has yet eventuated. The agency advised that, in some cases, its intention to release information is complicated by competing priorities of its shareholding Councils.

Council Controlled Organisations such as Wellington Water are in a somewhat challenging position in this respect. It may be necessary or desirable to consult with councils that own

them on the proactive release of information that pertains to them. Councils may request a CCO not release information where, for example, it is advice that is still under consideration. Releasing information may also prove logistically difficult where some councils are comfortable with the release of information and others are not; or, various councils may be happy to release information, but on different timelines.

The difficulties in coordinating the proactive release of information are not unique and certainly not insurmountable. It is sometimes necessary for agencies to consult with interested parties on the proactive release of information. We consider it is worth the effort for Wellington Water to develop an approach to the proactive release of information, in consultation with its shareholding Councils, and incorporate this into written, published policy.

We suggest that Wellington Water, in consultation with its shareholding Councils, develop a policy which sets out agreed priorities and a process for consultation and decision making on the proactive release of information when that was provided by, or is related to, those councils. In its response to my provisional opinion, the agency stated its intention to ‘...*work with our shareholding councils to develop a shared policy on transparency and the proactive publication of information. This policy will set out clear expectations, promote alignment across agencies, and strengthen our collective commitment to public accountability.*’ We look forward to following its progress over the coming months.

In developing the policy, Wellington Water may wish to be aware of the guidance published by my office on proactive release good practice.<sup>21</sup> My staff can also assist by reviewing draft policy, on request. Once finalised, Wellington Water should publish its proactive release policy.

#### Action points

Prioritise the development of a comprehensive proactive release policy, in consultation with shareholding Councils where relevant, incorporating our suggestions.

Once finalised, publish the proactive release policy.

## LGOIMA guidance and policy

Wellington Water has begun developing a LGOIMA ‘Detailed process guide’ which was provided for our review in incomplete, draft form. This document contains more guidance on LGOIMA processing than a simple process map, though not enough to be considered complete LGOIMA guidance. There are some very positive aspects to this draft guide. It is written in plain English; it is easy to follow; and, as the name suggests, it is a detailed guide to the administrative steps of processing a LGOIMA request.

It is important, particularly for smaller agencies, to safeguard the LGOIMA process through written guidance because staff attrition or absence can leave the agency without staff members who have knowledge of the process. As we discussed under [LGOIMA handling model](#)

---

<sup>21</sup> Link to Office of the Ombudsman website – [Proactive release – good practice for the proactive release of information](#)

[and resilience](#), we have concerns about the agency's ability to respond with resilience to a spike in LGOIMA requests and/or staff attrition or absence in the LGOIMA team. The existence of this process guide mitigates those concerns somewhat as it would likely allow a staff member with little experience of the LGOIMA process to process a straightforward LGOIMA request. We note, though, that a more complex request requires LGOIMA expertise and experience. The guide is not a substitute for this.

Some of the positive aspects of the guide include:

- It has instructions on appropriate record keeping relating to LGOIMA requests, for example, where to file all correspondence with councils; and it advises saving all emails into the LGOIMA file folder as they are sent/received rather than waiting until the LGOIMA process is complete.
- There is good messaging about LGOIMA timeliness compliance. For example, in relation to seeking information from SMEs - *'Generally, a 5-business day timeline should be provided for them to get back to us. They may go over this timeline, however **we need to make sure we are doing our due diligence to make sure we are meeting statutory compliance.**'* [Emphasis added]
- In relation to extensions, the guidance clearly and correctly states that *'A LGOIMA cannot be extended on the grounds of internal discussion.'* We will discuss practice around extending LGOIMA requests under [Current practices](#).
- It highlights the need to make information accessible to the requester – *'(make) sure that technical information is clear. If you don't have a basic understanding of what has been provided, it is likely the requestor/media won't either.'*

As the agency continues to develop this document it should consider including the below key aspects of LGOIMA handling:

- distinguishing between requests for personal information and for official information;
- when transfers, extensions, third party consultation, clarification or refining requests is appropriate, and statutory time limits for these;
- statutory timeframes for communicating a decision on a request and providing information, noting the distinction between these;
- reasons for withholding information, including how to consider and apply these (in particular, this should contain guidance on common reasons for withholding information such as to protect the privacy of natural persons, and to protect information that could prejudice a party's commercial position);
- application of the public interest test;
- the agency's approach to charging for a LGOIMA response;
- criteria for considering requests for urgency; and
- vexatious or frivolous requests.

Wellington Water should also develop a LGOIMA policy that provides a framework for how the agency will approach LGOIMA requests. This should include:

- High level statements/principles -
  - a commitment statement from the agency indicating the priority it ascribes to responding to requests for official information;
  - what constitutes official information;
  - the purpose of official information legislation and the principle of availability;
- Specific areas relevant to local authorities, such as -
  - how it will interact with shareholding councils on LGOIMA requests that pertain to them;
  - the ability of an elected member to make a LGOIMA request and how the organisation approaches requests for information from elected members;
- How it will approach certain situations, such as –
  - challenging or repeat requesters;
  - trivial or vexatious requests;
  - requests for names and/or contact details of staff and/or contractors; and
  - requests for substantial amounts of information, including the agency's approach to charging for the provision of information.

My staff are available to assist agencies with the development of fit-for-purpose official information policy and guidance documents.

We suggest Wellington Water publish its LGOIMA policy once it is finalised. In addition to being a sound demonstration of openness, there are other benefits to be gained from publishing official information policy. For example, where agencies have clear and reasonable policies articulating their approach to considering requests for urgency, charging for the supply of information, and dealing with vexatious requests and challenging requesters, they will be less vulnerable to criticism when they apply these policies. In response to my provisional opinion the agency confirmed that it has already begun developing a '*clear and consistent charging framework*' for the supply of information in relation to complex or voluminous requests.

Action points
Continue to develop LGOIMA process map and LGOIMA guidance incorporating our suggestions.
Prioritise the development of LGOIMA policy incorporating our suggestions, and publish the policy once it is finalised

## Current practices

The effectiveness of LGOIMA is largely dependent on those who implement it on a day-to-day basis, and how they use the resources available to them to best effect. To assess the current practices of Wellington Water we considered whether:

- its practices demonstrate understanding and commitment to the principles and requirements of LGOIMA;
- staff have a good technical knowledge of LGOIMA; and
- it is coping with the volume and complexity of its LGOIMA work and is compliant with the Act.

We expect that agencies' LGOIMA handling processes, particularly relating to sign-out and peer review, do not interfere with timeliness obligations under the LGOIMA. Agencies should also have a process for identifying and handling urgent requests.

The LGOIMA must be adhered to in every respect, including the appropriate use of transfers, extensions, providing reasonable assistance, and provisions for withholding and refusing information.

### Information requests handled by the LGOIMA team

The two-member LGOIMA team receives, processes and dispatches LGOIMA requests received by email and via its website, and from its Communications Team. As we will discuss under [Information requests handled by the Communications Team](#), that team typically responds to information requests received from the media where they are straightforward. Complex information requests from the media, being those that are likely to require consideration of LGOIMA withholding grounds or are for a substantial volume of information, are funnelled to the LGOIMA team.

The LGOIMA team also handles '*elected member requests*', which are typically queries on operational matters received from elected members and funnelled to Wellington Water via its shareholding Councils.

As we discussed under [LGOIMA handling model and resilience](#), where the LGOIMA team requires information from a business unit, it will send a 'commissioning email' to the relevant unit outlining what is needed from it. This might include information the business unit holds which may not be accessible in the search conducted by the LGOIMA Team; confirmation of who the primary contact in the relevant business unit will be; and any input SMEs may have about whether information should be withheld under the LGOIMA.

The commissioning email also includes the timeframe within which information should be provided to the LGOIMA team. This is to enable enough time for the SME to gather information, and then to allow the LGOIMA team to draft the response, and for the proposed response to be reviewed and approved.



In the sample files we reviewed, standard practice was to send the commissioning email in the first instance to the CO of the relevant business unit. However, through the course of my investigation we were advised by staff that there has been a change to the LGOIMA handling process, wherein the commissioning email sent by the LGOIMA team bypasses the CO. LGOIMA Advisors are expected to determine the appropriate SME from whom to seek assistance, and contact them directly. We were advised that the reason for this change is to preserve CO’s time.

It is up to each agency to determine the particulars of their LGOIMA handling process, but we note contacting or copying in COs early in the process may be a beneficial step. Contacting COs could be an effective way to ensure the right SME(s) is/are engaged to help find information. It also gives the relevant CO an awareness of the information requests that are in their sphere. This allows them to signal at an early stage if they need to provide input on the response; they can help to ensure the response complies with LGOIMA timeliness requirements; and, it gives COs an awareness of how LGOIMA duties are impacting staff workloads.

Disengaging COs from this aspect of the LGOIMA process could be perceived by staff as a tacit signal from senior leaders that they do not prioritise the LGOIMA. This is the opposite of the message Wellington Water needs to give to its staff, and goes against the Chief Executive’s stated intention to improve awareness of the importance of the LGOIMA, discussed under [Messaging to staff from senior leaders](#). We encourage Wellington Water to review its LGOIMA handling process in this respect and ensure there is an adequate level of engagement at the CO level.

We saw examples of other aspects of LGOIMA handling that Wellington Water consistently does well. An acknowledgement email was sent to requesters by the next working day after the request was received. This notes the requirement to provide information ‘as soon as reasonably practicable’ and gives the latest date the response should be expected based on the maximum allowable 20-working day timeframe in the LGOIMA.

It is also good practice for LGOIMA Advisors to conduct an initial search for relevant information within the scope of the request, as well as a search being conducted by the lead SME assigned to the request. This method of ‘double-checking’ is a good way to ensure—as far as possible—that all information relevant to a request has been identified. Wellington Water’s Data team is also engaged to help search for information when requested by the LGOIMA Team.

Wellington Water does not have a workflow system to automatically send prompts to relevant parties when actions are due for completion. Instead, the LGOIMA team uses an email calendar to keep track of due dates (based on the maximum allowable 20-working timeframe under the LGOIMA) and sets reminders which send an automatic email to the staff involved in handling the request. It is good to see Wellington Water optimising its use of the systems available to it, to endeavour to achieve compliance with the LGOIMA.

Action point
Review practice around the involvement of COs in the LGOIMA handling process.

## Use of extensions

There are limited reasons defined in the LGOIMA to extend the timeframe to respond to a LGOIMA request. As we discussed earlier, under [LGOIMA guidance and policy](#), Wellington Water is clear in its guidance that LGOIMA requests can only be extended for valid reasons, and it is good to see that this is reflected in practice. For example, when the new LGOIMA team was addressing a backlog of requests, it advised requesters that the response would be late rather than applying an invalid 'extension'.

While, of course, it is unfortunate that these responses were late, we are pleased that Wellington Water did not breach the LGOIMA by misusing extensions, which would only mask workload issues. Internal LGOIMA performance reporting will have reflected that the responses were overdue. It is important that LGOIMA reporting is accurate, as senior leaders cannot fix a problem they cannot see.

## Requests involving substantial collation and research

As we discussed earlier, under [IM systems](#), the utility of IM systems to locate information is a weakness for Wellington Water. In LGOIMA sample files, we saw an example of a request being partially refused because an information search returned over 5000 results. Where an agency is considering refusing a request on the basis of substantial collation and research it must, under s 17A of the LGOIMA consider whether fixing a charge for the supply of the information or extending the time limit of the request may enable the request to be granted.<sup>22</sup> In that case, there did not appear to be a record in the LGOIMA file of any such considerations undertaken by the agency.

There is also a requirement for agencies to 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.<sup>23</sup> It is unclear whether the agency considered consultation in this case, however, I did see evidence of the agency assisting requesters to clarify or refine their requests, in other LGOIMA sample files.

Due to the high likelihood of LGOIMA requests involving substantial collation and research given the agency's IM infrastructure, Wellington Water should ensure it has robust processes and guidance for staff around:

- keeping a record of the considerations given to fixing a charge or extending a request when a refusal under s 17(f) is contemplated,
- assisting requesters to clarify or refine their requests;
- considering whether the request can be met in another way, for example by releasing a subset of the information, or giving the requester a reasonable opportunity to inspect it;<sup>24</sup> and

---

<sup>22</sup> Link to section 17A of the [LGOIMA](#).

<sup>23</sup> Link to section 17B of the [LGOIMA](#).

<sup>24</sup> Link to section 15 of the [LGOIMA](#).

- the fact that it may not be reasonable to refuse a request on the grounds of substantial collation or research when the difficulty involved in meeting an official information request arises because of an agency's own administrative failings.

I will discuss LGOIMA record keeping below, and I discussed LGOIMA guidance earlier under [LGOIMA guidance and policy](#).

### **Record keeping of the LGOIMA handling process**

The LGOIMA team uses SharePoint to record information on LGOIMA handling, with each request allocated a unique number and a SharePoint file when it is received. All information relating to a request is kept in the relevant SharePoint file. A link to the file is included in the commissioning email to the relevant business unit so the lead SME charged with gathering information can begin 'dropping' information in the file.

In the LGOIMA files reviewed we saw good record keeping discipline, with both redacted and un-redacted versions of requested information kept, and all internal and external email correspondence appearing to be diligently saved. The agency should also ensure that records of substantive discussions regarding LGOIMA decision making are kept in LGOIMA files.

In some files, LGOIMA Advisors saved an 'IT request template'. This form is completed to request help from the Data team to locate information. It includes the search terms the internal requester wishes to be used, and the various IM systems such as SharePoint and numerous network drives to be searched. Once the search has been completed, the form is used to record information about the number of items returned in the search.

Although the form was not necessarily intended to be a record of this part of the LGOIMA process, nonetheless it serves double duty as a record of the information searches conducted, which is something we encourage agencies to keep. This can be useful in the event of a complaint investigation by my Office on, for example, a refusal based on substantial collation or research. It can also be used as a resource for the agency to help guide future information searches on similar request topics.

We understand the IT request template is newly introduced, and we encourage Wellington Water to ensure that maintaining this record in LGOIMA files, where relevant, is embedded in its practice and guidance.

The agency does not appear to keep a discrete record or summary of its decision making process. For example, in the file mentioned above which was partially refused on the basis of substantial collation, it would be good practice to file note how the agency considered whether or not it could or should fix a charge or extend the time limit to enable the request to be granted. Similarly, where information is withheld for reasons under s 7(2) of the LGOIMA, agencies should summarise how it weighed the harm in releasing information against the public interest in its release.

## Withholding grounds and public interest considerations

Wellington Water could improve its practice around communicating to requesters its reasons for withholding information, and its weighing of countervailing public interest considerations when information is withheld under s 7(2) of the LGOIMA.

It is good practice to give the reason for withholding information in plain English and with as much specificity as possible (without, of course, revealing the information) rather than (or in addition to) simply reciting the wording from the relevant LGOIMA subsections.

In the LGOIMA sample files we reviewed in which information had been withheld under s 7(2) of the LGOIMA, Wellington Water used the rote sentence *'we do not consider the withholding of information under section(s) 7 of the Act is outweighed by other considerations which render it desirable, in the public interest, to make that information available.'* When considering withholding information under section 7(2) of the LGOIMA, we expect agencies to give genuine consideration to any countervailing reason(s) in the public interest which favour release, and to communicate these to requesters in LGOIMA response letters.

### Action points

Ensure substantive discussions on LGOIMA decision making are captured in writing and saved to LGOIMA SharePoint files.

Ensure that IT request forms are saved in LGOIMA files and that this is embedded in practice and guidance.

Where applicable, keep a summary of decision making processes on LGOIMA requests, including any considerations made under sections 17A and 17B of the LGOIMA.

Include the reasons, in plain English, for withholding information under section 7(2) of the LGOIMA in response letters to requesters.

Where information is withheld under s 7(2) of the LGOIMA, ensure the agency's genuine consideration of countervailing reasons in the public interest to release the information is expressed to the requester in the LGOIMA response.

## Practice around withholding staff names

Some staff discussed with investigators a recent change in LGOIMA practice around withholding staff names from LGOIMA responses. In discussions and in the staff survey, a number of staff said that Wellington Water's practice had been to withhold all staff information including names and contact details as a matter course. This practice appears to have recently changed. Overall, we consider this is a positive change. Successive Ombudsmen have held that there is usually no basis for withholding staff names if all that would be revealed is what they did in their official capacity. This is important in terms of local authorities being transparent and accountable.

Unfortunately, this change may not have been adequately communicated to staff which has resulted in some staff being concerned about their safety and privacy. While we advise

agencies not to have a practice of ‘blanket’ withholding grounds, where information within a certain category is always withheld; equally they should not have a ‘blanket’ policy of releasing all information. In each case, there should be due consideration to the release of information given the particular circumstances. For example, withholding staff names may be justified where the withholding grounds relating to safety and improper pressure or harassment are properly engaged.<sup>25</sup> It is also good practice to consult with staff when their name or other information may be released (though the decision to release or withhold information ultimately rests with the agency).

We encourage the agency to ensure it has a clear and proportionate approach to considering withholding staff names, and to ensure its approach is made clear to staff through the agency’s LGOIMA training, policy and guidance. In developing the policy and guidance, Wellington Water may wish to be aware of the guidance and worksheet published by my Office on the release of staff names.<sup>26,27</sup>

#### Action point

Ensure the agency’s approach to withholding staff names from LGOIMA responses is clearly set out in LGOIMA training, policy and guidance.

### Information requests handled by the Communications and Engagement team

A request to a local authority for information the agency holds<sup>28</sup> is, by definition, an official information request.<sup>29</sup> This means the request for information must be handled in accordance with the LGOIMA, irrespective of who is making the request or whether it is submitted to the Communications and Engagement Team, the LGOIMA Team, or any other part of the agency.

We are pleased that Wellington Water developed an organisational communications strategy in 2022, as a response to its *‘dealing with significant reputational issues’*. The strategy encourages staff to build good relationships with key journalists. It states they should respond to *‘reactive enquiries’* in a timely manner; maintain regular engagement with journalists; provide them with opportunities for technical briefings with experts; and proactively reach out to correct misinformation. It encourages transparency, stating:

---

<sup>25</sup> Link to s 7(2)(f)(ii) of the [LGOIMA](#).

<sup>26</sup> Link to the Office of the Ombudsman website – [Names and contact details of public sector employees](#)

<sup>27</sup> Above, at 20 - [Work sheet for processing requests for names of public sector employees](#)

<sup>28</sup> Media Teams also field requests for the agency to generate fresh comment on an issue, and requests to interview officials. Requests of this type are *not* covered by the OIA as they are not requests for information *already held* by the agency.

<sup>29</sup> With some exceptions detailed in section 2 of the LGOIMA; and information requests for personal information made by that person or their authorised representative, which are considered under the Privacy Act 2020.

*We do this by being factual, transparent and accountable, celebrating our people and their mahi, and being clear about what we can and can't deliver. We also act with integrity and 'stay in our lane'.*

We were pleased that in the sample files, media information requests were answered very quickly—mostly within the same day. No requests we saw took longer than two working days to complete. Where a Communications and Engagement Advisor needed information from SMEs to answer a request, this was provided swiftly. This demonstrates a positive culture around responding to media information requests.

Wellington Water's Communications and Engagement team is responsible for handling the majority of requests for information received from members of the media. However, a staff interviewee said that if a request is particularly complex, the journalist is advised that the LGOIMA team are '*best placed*' to respond, and the journalist's request should therefore be resubmitted to the LGOIMA Team via email or through Wellington Water's website. The Communications Team does not, itself, redirect the request to the LGOIMA team. We saw an example of this practice in the sample of media information requests.

We were advised that the reason for this is to ensure that the request is received and registered by the LGOIMA Team and doesn't '*fall through the cracks*'. It is a concern that the agency appears to have so little faith in its own internal transfer processes that it requires the requester to resubmit their request. More than that, the fact remains that once a person has submitted their request for information to the Communications and Engagement team they have, in law, made a LGOIMA request to Wellington Water.

There is no basis for the Communications and Engagement team to refuse to provide the information and ask the person to resubmit their request to a different part of the same organisation. The onus is on Wellington Water to send the request to the correct team within the agency, and in my view it is unreasonable for them to advise the requester to resubmit their query to a different part of the organisation. This practice also risks Wellington Water breaching specific obligations in LGOIMA:

- The obligation to make a decision as soon as reasonably practicable – the time for this starts, in law, from the time the person submits their request to the media team.
- The obligation to only refuse requests where reasons in ss 6, 7 or 17 apply – by refusing to answer the person's question and asking them to resubmit their request to a different arm of the same organisation the media team is arguably refusing a request without good reason.

Accordingly, it is my opinion that Wellington Water has acted unreasonably by refusing in some cases to provide information requested by media and asking the person to resubmit their request to a different part of the same organisation.

We saw other practices which appear to show that media information requests are not always considered with LGOIMA compliance in mind. LGOIMA compliance refers not only to timeliness obligations but also providing reasons where information is withheld, and providing recourse to the Ombudsman where necessary.

There were two examples of Wellington Water refusing media information requests without providing a valid reason under the LGOIMA, and without informing the requester of their right to make a complaint to me, as required by ss 18(a)(i) and 18(b) of the LGOIMA.<sup>30</sup> In one case, information was refused because *'our lack of proper IT systems mean that we can't supply this without a long manual process and detailed analysis, which would be time-consuming, costly, and take considerable resource'*. In another case, information was not provided because the information *'contain[s] commercially sensitive information.'* However, the Act requires that the statutory reasons for refusal must be given, and advice as to the right to complain.

Accordingly, it is my opinion that Wellington Water has acted contrary to law by not always meeting its legal obligation under section 18 of the LGOIMA to provide the reason when a request is refused and to advise the requester that they can make a complaint to me.

I have not made a recommendation in relation to my findings above because the agency has accepted this finding and confirmed in its response to my provisional opinion that it has already amended its practice to ensure LGOIMA compliance. We look forward to following up on the agency's progress over the coming months.

Overall, the Communications and Engagement team's record keeping practices were very good. The team keeps a summary table of each request which includes the deadline date, details of the enquiry, whether approval is required and the response. We suggest Wellington Water consider including in this summary a record of whether or not the request is for information, comment or interview. If it is a request for information, we suggest the summary record whether or not any information was refused and if so, prompt the advisor to record the reason under the LGOIMA for the refusal and that the requester has been advised they can complain to me. In addition, the summary should record the 'request date' and 'response date'.

It is positive that Wellington Water states that its leaders provide clear direction around transparency to their teams around media enquiries. It was evident from the sample media files that staff were very responsive to requests.

#### Action point

Review and update the media enquiries summary table, incorporating our suggestions.

---

<sup>30</sup> See s18 of the [LGOIMA](#).

## Performance monitoring and learning

Ombudsmen have consistently supported maintaining a full audit trail in respect of any decision made by an agency. Making decisions under LGOIMA is no different. Once this information is recorded, agencies have a wealth of information that can be used to inform business planning and future decisions concerning access to information, but only if it is captured in a way that is meaningful. To assess Wellington Water's performance monitoring and learning in respect of its LGOIMA obligations, I considered whether the agency:

- had an established system for capturing meaningful information about its LGOIMA activities and established appropriate and relevant performance measures;
- conducted regular reporting and monitoring about its management performance in respect of LGOIMA compliance; and
- learned from data analysis and practice.

### Data collection and analysis

All requests for information handled by the LGOIMA team are recorded in a spreadsheet. This is used to keep track of LGOIMA requests on hand until their completion. It captures a range of information about the request, including:

- the date received;
- the 'theme' of the request;
- whether the requester is an elected member;
- the LGOIMA Advisor to whom it is assigned;
- the SME assigned as the information gathering lead;
- whether an extension is made;
- the date the request should be with a CO for signing;
- the completion date.

The use of the spreadsheet encourages accuracy and collects a fair range of performance data which may be used to drive performance improvements. In response to my provisional opinion, the agency advised that it is *'transitioning to a SharePoint-based system that enables secure logging, tracking, workflow automation and better triaging of requests. This will deliver reporting capability (e.g., timeliness, source trends, request volumes) to support management oversight and Board level governance.'*

Data collected in the spreadsheet is reported to senior leaders on a regular basis. The agency described its LGOMA performance reporting regime in response to a questionnaire:

*A weekly LGOIMA report is provided to the Senior Leadership team every Friday of what has occurred with LGOIMA requests – new, current and sent along with*



*statistics that show the trend of number of requests month to month (sourced from the LGOIMA registry). The data is used to monitor the number of requests per month, repeat requestors, the amount of time taken for requests, and ad hoc reporting to Business Groups when required. We provide a quarterly performance report for the Senior Leadership Quarterly Performance meetings with quarterly statistics including number of days to respond.*

We commend the agency for its regular schedule of reporting to senior leaders. The agency provided some samples of previous weekly and quarterly reports to senior leaders. The weekly reporting we saw was brief, focusing only on the number and topic of requests received and sent in that week. Quarterly reporting is more comprehensive, and includes the average number of days to complete requests; and the number of requests extended and overdue.

The quarterly report includes comments on the issues and risks facing the LGOIMA team, such as concerns about resourcing, Ombudsman investigations, and issues accessing information. The latter was included as an issue in each of the four quarterly reports provided for this investigation. One example read: *'SMEs often find it difficult to locate information – especially capex/opex related information. More emphasis needed on efficient record keeping and data storage.'*

Unlike many agencies, Wellington Water does not appear to report, nor have a performance target, on the percentage of LGOIMA responses responded to within the maximum allowable timeframe to communicate a decision under the LGOIMA, being 20-working days. While the percentage of on-time responses is a somewhat blunt tool which does not express everything about the quality of LGOIMA performance, it is a useful measure which should be reported to senior leaders. This allows upward or downward trends to be identified and addressed, and for good performance and improvements to be recognised.

With this said, the Chief Executive did have an awareness of Wellington Water's performance in this respect, advising my predecessor that timeliness against the 20-working day timeframe was *'about 90 percent.'* The agency further advised that following my provisional opinion *'(a)ll executive leaders will be accountable for responses from their business areas, and response quality will be monitored as part of internal performance expectations.'*

It should be widely known within the organisation that the target for compliance with the LGOIMA is 100 percent. We encourage senior leaders to make this known to staff through regular messaging; to encourage all staff to take accountability for continually improving this figure; and to celebrate successes as a way of demonstrating the agency's commitment to LGOIMA compliance. We also encourage agencies to publish data on LGOIMA performance to drive accountability and demonstrate openness.

In addition to timeliness performance and the data already included in the quarterly report, there is a broad range of data an agency may collect and analyse, such as:

- the type of request (Part 2, 3 or 4 of the LGOIMA);
- the number and reason for transfers, and whether the transfer was made in time;

- the reason for extensions;
- the outcome of the request (granted in full, granted in part, refused in full);
- the number and amount of charges made and collected; and
- the reasons for any delays.

However, I am aware that the process of collecting additional data, analysing it, and including it in performance reporting can be a resource intensive activity and the small LGOIMA team already has a full workload. I encourage the agency to consider expanding the range of LGOIMA performance data it reports to senior leaders focussing on those areas which might have the biggest impact on performance, and striking a balance where the time taken to collect this data doesn't, in itself, negatively impact performance.

For example, the agency might begin by collecting and reporting additional data on its use of extensions. This might include the reasons the extension is made and the themes and business units associated with extended responses. This might help the agency to recognise potential areas where the proactive release of information might help to reduce its workload, and business units which may require additional support or training.

#### Action points

Establish LGOIMA performance targets which should include timeliness performance, and make this known to staff.

Publish LGOIMA performance data to demonstrate openness and drive accountability.

Consider collecting more comprehensive data on LGOIMA request handling so that opportunities for performance improvement can be identified, and include this in reporting to senior leaders.

## Quality assurance

Wellington Water has a robust yet not overly layered, sign out process for LGOIMA responses which includes a process of peer review. A peer review process, while important, is not a substitute for a quality assurance process, which the agency currently lacks.

Quality assurance (QA) is conducted once the process of responding to a LGOIMA request is complete and has a broader focus, looking not just at the final response letter, but the totality of the LGOIMA process. A QA process may be a random sample, or it may be focused on a particular area where the agency wishes to evaluate its performance, such as its use of extensions or withholding grounds. It may also encompass factors such as:

- whether the decision making process was adequately documented;
- where any delays occurred in the process;
- whether all information in the scope of the request was identified; and

- the quality of contextual information provided to assist requesters.

We encourage Wellington Water to develop a QA process for completed requests, to gain valuable, qualitative data. We also acknowledge that this should be balanced against the capacity of the agency's resources to conduct a QA process without adversely impacting LGOIMA performance.

When analysed effectively, information gained from a QA process can be used to inform improvements in the LGOIMA process, including:

- ensuring consistency in the agency's approach across similar requests;
- determining the reason for any delays; and
- identifying areas for training or updated guidance.

Establishing a system of quality assurance could help Wellington Water to identify opportunities for staff development, highlighting common errors and encouraging continuous improvement in LGOIMA handling. It may also help the agency to recognise excellent performance where it exists.

#### Action point

Consider developing a quality assurance process for completed LGOIMA requests.