



**SOUTH WAIRARAPA
DISTRICT COUNCIL**
Kia Reretahi Tātau

LGOIMA - Charging and Proactive Release Policy

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LGOIMA - Charging and Proactive Release Policy

1. Purpose

This policy sets out when and how South Wairarapa District Council (**SWDC**) may charge for supplying official information requested under The Local Government Official Information and Meetings Act 1987 (**LGOIMA**), to ensure charges (if any) are reasonable, transparent, and consistently applied, and to uphold the principle of availability that information shall be made available unless there is good reason to withhold it.

2. Legislative authority

Section 13(1) to (4) under LGOIMA permits SWDC to decide “in what manner and for what charge (if any)” a request is granted, to charge for the supply of official information, and to require advance payment; any charge must not exceed the prescribed amount, or if none is prescribed, it must be reasonable having regard to labour and materials (and urgency, if requested by the applicant).

The Ombudsman’s charging guidance explains what can be charged, what cannot, how to calculate reasonable charges, and when charges should be waived or remitted (e.g., public interest, hardship). SWDC will be guided by this document.

[Charging: A guide to charging for official information under the OIA and LGOIMA](#)

3. Scope

This policy applies to all official information requests the SWDC receives under LGOIMA, including information held by elected members in their official capacity and by independent contractors engaged by SWDC.

It does not apply to requests by individuals for their own personal information (which are generally free of charge).

4. Policy Principles

In applying these principles, the SWDC will ensure that charging practices remain consistent, transparent, and firmly grounded in the principle of availability, so that cost recovery never becomes an unreasonable barrier to accessing official information.

1. **Availability first:** Charging must not unreasonably deter access to information or undermine LGOIMA’s purposes.
2. **Reasonableness and cost recovery:** Where applied, charges recover actual and reasonable costs of making information available (not decision-making), consistent with Ombudsman guidance and sector practice.
3. **Transparency:** Requesters are told what the charge covers, how it was calculated, and their right to complain to the Ombudsman. Deposits will be required where appropriate.
4. **Fairness and discretion:** Charges will be reduced or waived where the public interest* is served or to avoid unreasonable deterrence.

5. **Engagement first:** Before charging, SWDC will work with the requester to refine scope, consider extensions instead of charging where appropriate, and explore options to reduce costs (e.g., staged delivery, inspection).
6. **Proactive transparency:** Charging for information does not give the requester exclusive rights to that information. Where appropriate, information released under LGOIMA will also be proactively released in accordance with clause 16, subject to privacy, withholding grounds, and public interest considerations.

*Public interest refers to a genuine benefit to the wider community that goes beyond the private interests of an individual requester. It includes situations where releasing information would promote transparency, support public participation in democratic processes, strengthen accountability of elected members or officials, or enhance public understanding of an issue affecting the community.

5. What SWDC will not charge for

SWDC will not charge for:

- Time spent deciding whether to grant, refuse, or withhold information (including legal advice, consultation, decision-making meetings).
- Time spent deciding whether to charge and preparing the estimate.
- Searching for or retrieving information that is not where it should be due to poor record-keeping.
- General overheads (e.g., system setup/maintenance), chief executive/elected member involvement, Ombudsman liaison, or formatting in a way preferred by the agency but not sought by the requester.

6. What SWDC will charge for (making information available)

1. **Labour:** time spent searching, retrieving, collating, scanning/copying, formatting, editing to redact withheld information, supervising access (inspection), and reasonably required peer review to ensure tasks have been carried out correctly.
2. **Materials:** paper for photocopying/printing and electronic storage media provided by SWDC.
3. **Other actual and direct costs:** e.g., off-site retrieval, reproducing film/audio/video, large-format plans/maps, or specialist contractors needed solely to supply the information.
4. **Additional factors:** Where repeated requests from the same source are made in respect of a common subject over intervals of up to eight weeks, requests after the first will be aggregated for charging purposes.

7. Standard fees and free thresholds

Unless SWDC has set a different fee by resolution in its annual [Fees and Charges](#), the following standard schedule applies (*where SWDC's annually adopted Fees and Charges differ, those prevail*):

Labour	First hour: Free Thereafter: \$38.00 per half-hour or part thereof (GST inclusive)
Photocopying/Printing	First 20 pages: Free Thereafter: \$0.20 per single page (A4) (black and white) \$0.30 per single page (A4) (colour); or

	\$0.40 per single page (A3) (black and white) \$0.50 per single page (A3) (colour) Anything else at cost.
Electronic media (USB/DVD etc)	At cost
Other actual and direct costs	At cost (e.g., off-site retrieval, specialist reproduction)

Notes:

- Charges are calculated on actual elapsed work time (rounded up to the nearest half-hour).
- Where repeated requests on a common subject are received from the same requester within eight (8) weeks, SWDC will aggregate them for charging purposes.

8. Estimates, deposits, and invoicing

If a charge is likely, SWDC will provide a written estimate (with calculation detail) and seek the requester's agreement to proceed before work begins. The estimate is not a cap, but the final charge will not exceed the estimate without prior notification.

SWDC will require a deposit (e.g., where the charge is likely to exceed \$76) or where assurance of payment is needed; deposits are requested after deciding to release the information. Unused deposit amounts are refunded.

Charges are GST inclusive. Payment terms and methods will be advised with the invoice. Non-payment will pause release until settled.

9. Reducing or waiving charges

SWDC will consider reducing or waiving charges where:

- There is significant public interest in disclosure (e.g., to promote public participation, strengthen accountability).
- Payment would likely cause hardship to the requester.
- Members of Parliament or accredited news media for official information requests, recognising their role in supporting democratic accountability and facilitating informed public debate.
- The information is intended for proactive release because it is of wider public interest or has been requested repeatedly.
- The fee threshold is only slightly exceeded.

10. Process for requesting a hardship consideration

- A requester seeking a waiver or reduction must outline the grounds for hardship providing any necessary paperwork to support this request.
- All hardship decisions will be assessed on a case-by-case basis and documented.
- The requester will be advised of the decision and informed of their right to request a review by the Office of the Ombudsman.

Decisions will reference the Ombudsman's public interest and hardship criteria and will be recorded.

11. Engagement to reduce cost

Before imposing a charge, staff will:

- Suggest ways requesters could refine scope (e.g., narrower date ranges, keywords, specific document sets).
- Offer inspection or staged release where suitable.
- Consider a time extension instead of charging if that would make collation manageable.

12. Urgent requests

Where the requester seeks urgency with reasons, SWDC will consider urgency and any additional costs reasonably incurred in meeting urgency when setting a reasonable charge which is consistent with section 13(3) of the LGOIMA.

13. Forms of access and formats

SWDC will provide information in the format reasonably requested where practicable (e.g., electronic PDF/CSV, inspection, physical copies). Charges will reflect the chosen format (e.g., large format printing).

Reasonable steps will be taken to support accessible formats where practicable.

14. Decision making and timeframes

SWDC will decide and communicate the outcome as soon as practicable and no later than 20 working days, including any applicable charge. Extensions will be used where permitted.

Any charge will be notified at the same time as the decision to release (subject to payment), along with the basis and calculation.

15. Complaints

The following wording will be applied to all LGOIMA responses:

You have a right to seek an investigation and review by the Ombudsman of this decision. Further information about this process can be found on <https://www.ombudsman.parliament.nz/what-ombudsman-can-help/complaints-about-government-agencies/how-make-complaint> or email info@ombudsman.parliament.nz

16. Proactive release

General approach

SWDC will proactively release official information, including information supplied in response to a LGOIMA request, to promote transparency, accountability, and public participation in local democracy.

Relationship between charging and proactive release

Payment of a charge for information does not confer exclusive rights to that information. Where a charge has been applied, SWDC retains the discretion to proactively release the information, in whole or in part, subject to the considerations below.

Where a charge has been paid, information will not normally be proactively released for at least seven (7) days after it has been provided to the requester.

When information will be proactively released

SWDC will consider proactive release where:

- Requests for the same or similar information are received more than three times within a six-month period;
- The information is of high public interest; or
- Publication would assist the public to better understand SWDC's functions, decisions, or performance.

Matters to be considered before proactive release

Before information is proactively released, SWDC will consider:

- The requirements of the Privacy Act 2020 and removal of personal or identifiable information;
- Any applicable withholding grounds under LGOIMA;
- Whether consultation with third parties, contractors, or affected individuals is appropriate; and
- Whether the information has continuing public value.

Notification of requesters

Requesters will be advised that information provided in response to a LGOIMA request will be proactively released. Personal information identifying the requester will be removed before publication.

Publication and reporting

Information approved for proactive release will be published on SWDC's website in a manner and at a frequency determined by SWDC.

17. Monitoring and review

- Annual spot checks of estimates vs. actuals to ensure reasonableness and consistency.
- Formal review at least every three years or when the Ombudsman updates guidance or sector practice materially changes.

This review will also consider whether charging practices and proactive release decisions are operating consistently and in alignment with Ombudsman guidance and sector good practice.

Appendix A: Template charging letter

Subject: Your LGOIMA request [ref]: decision and estimated charge

Kia ora [Name],

Thank you for your LGOIMA request dated [xx]. We have decided to make the requested information available, subject to a charge because:

Labour

- *Time spent by staff searching for relevant material, abstracting and collating, copying, transcribing, redacting and supervising access (where the information at issue is made available for inspection) and where the total time involved is in excess of two hours.*
- *Reasonably required peer review in order to ensure that the above tasks have been carried out correctly.*
- *Formatting information in a way sought by the requester.*
- *Reproducing film, video or audio recordings.*

Other actual and direct costs

- *Retrieval of information from off-site.*

Additional factors

Where repeated requests from the same source are made in respect of a common subject over intervals of up to eight weeks, requests after the first will be aggregated for charging purposes.

The estimated charge is \$[X] (GST incl.), calculated as follows:

- Labour: [Y hours] (first hour free), balance charged at \$38 per half-hour = \$[A]
- Photocopying: [Z] pages (first 20 free), \$0.20 per page = \$[B]
- Other actual and direct costs: [itemised] = \$[C]
- Total estimated charge: \$[A+B+C]. A deposit of \$[amount] is required before work begins.

This charge has been calculated in accordance with SWDC fees and charges (DATE).

To reduce or avoid charges, you may wish to refine the scope of your request (e.g., date range, keywords, specific documents). If you would like to pursue this instead, please indicate this in your response.

Please let us know if you would like us to progress this work by [date] and we will arrange invoicing.

You have the right to complain to the [Ombudsman](#) about this charge.

Ngā mihi,
[Name/Title]