From:	[redacted]
To:	Feedback RTI and Privacy
Subject:	Review of The Right to Information Act 2209 - Duplication of Legislation, including grounds of refusal
Date:	Friday, 23 August 2013 2:44:35 PM

Please find below responses to some of the questions raised in the discussion paper: Review of the Right to Information Act 2009 and Chapter 3 of the Information Privacy Act 2009.

In reply to 2.1: Should the right of access for both personal and non-personal information be changed to the RTI Act as a single point of entry?

Yes.
An agency may refuse access to personal information under the RTI Act but not under the IP Act. This means explaining to applicants how the acts interact which sometimes is difficult to explain and also hard for some applicants to comprehend. The end result is often long decision letters which take time to write and can often be confusing to applicants to understand.

The process is burdensome and time consuming and may be alleviated by possibly including clear grounds for refusal to personal information in the IP Act or make the RTI Act the single point of entry.

In reply to 3.1: Should the processing period be suspended while the agency is consulting with the applicant about whether the applicant can be dealt with under the IP Act?

Yes.
Because some applicants respond immediately and others take longer.

In reply to 3.2: Should the requirement for an agency to again consider whether the applicant can be made under the IP Act be retained?

No.

In reply to 3.3: Should the timeframe for section 54(5) be 10 business days instead of calendar days, to be consistent with the timeframes in the rest of the Act?

Yes. It should be consistent with the rest of the legislation and that way there will be no confusion and misunderstanding about the processing timeframes.

In response to 5.1: Should agencies with websites be required to publish publication schemes on their website?

Yes.

In response to 6.7: Should a further specified period begin as soon as the agency or Minister ask for it, or should it begin after the end of the processing period.

A further specified period should begin after the end of the processing period.

In response to 6.12: Should the requirement to provide a schedule of documents be maintained?

No. Sometimes the schedule of relevant documents can be time consuming to prepare when there are large volumes of documents. It has been my personal experience that applicants do not reduce the scope of their request after having received a schedule.

In response to 6.16: How could prescribed written notices under the RTI & IP Act be made easier to read and understood by applicants?

The prescribed written notices can be simplified by only making reference to legislation without quoting the relevant part in its entirety. For example, instead of quoting section 34 of the RTI in its entirety you could just make reference to section 34. I think the schedule of relevant documents should be abolished and instead applicants should, if necessary, be asked to narrow the scope of their application at the beginning of the processing period.

Kind regards

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