



OIA15-283

19 JAN 2015

Dear

OFFICIAL INFORMATION ACT REQUEST

I refer to your official information request transferred to the Ministry for Primary Industries (MPI) on 30 November 2015 relating to "the approximately 9,000 emails located by [MPI] through the general email search" associated with judicial review CIV-2015-404-2128. For clarity, your request relates to attempts by counsel to reach agreement on the scope and process of discovery in that judicial review proceeding. The agreed search parameters were for all e-mails:

- sent to, from, or copied to any of ten named individuals; and
- containing specified key word search terms, grouped in 12 searches.

The information contained in the emails specified is official information as defined in section 2(1) the Official Information Act 1982, because it is information held by a department. The obligation of MPI under section 5 – Principle of availability provided for is that *"official information is to be made available, where that question arises under this Act, shall be determined, except where this Act otherwise expressly requires, in accordance with the purposes of this Act and the principle that the information shall be made available unless there is good reason for withholding it"*.

MPI has considered your request and decided to refuse your request under section 18(f) of the Official Information Act 1982, as the information requested cannot be made available without substantial collation or research. In deciding to refuse your request, MPI has considered whether the request could be granted by way of:

- fixing a charge under section 15 of the Official Information Act 1982 (pursuant to section 18A(1)(a) of the Official Information Act);
- extending the time limit under section 15A of the Official Information Act 1982 (pursuant to section 18A(1)(b) of the Official Information Act); and
- refining the scope of the request (pursuant to section 18B of the Official Information Act).

Charging for this request is not appropriate as it could not provide the additional resource to undertake the research required for the request.

Extending the timeframe to respond would also not be appropriate as the significant research and collation involved would necessitate a considerable extension in the order of months, not days or weeks. Your request is for a large quantity of information and the estimated time to review over 9,000 emails would take a fully allocated resource over 40 working weeks to complete. Meeting the request would unreasonably interfere with the operations of MPI, particularly with regard to implementing the increased oversight of the swamp kauri sector that has been in place since July 2015.

You have the right under section 28(3) of the OIA to seek an investigation and review by the Ombudsman of our decision to refuse your request.

Yours sincerely



Stuart Anderson
Director Spatial, Forestry and Land Management