



OIA16-0052

15 MAR 2016

Dear

**OFFICIAL INFORMATION ACT REQUEST**

I refer to your letter of 16 February 2016 relating to our decision to refuse your client's Official Information Act (OIA) request dated 30 November 2015, for approximately 9,000 emails (ref OIA15-283). We confirm that we have also received from Crown Law Office a copy of your letter dated 19 February 2016 to the Ombudsman seeking an investigation and review of the decision, as foreshadowed in your 16 February 2016 letter.

In your letter of 16 February 2016 you asked for the release of the same information previously refused, for the reasons stated in my letter dated 19 January 2016. There does not appear to be any material change in circumstances or information requested under the OIA, other than your client's view regarding the estimated timeframe to respond to its OIA request.

As I did previously, I am refusing your request under s 18(f) of the Official Information Act – as the information cannot be made available without substantial collation or research.

In making the decision to refuse under s 18(f) of the OIA, we believe our obligations under the OIA are to first consider whether fixing a charge under s 15 or extending the time limit under s 15A would enable the request to be granted.

In regard to whether fixing a charge under section 15 of the OIA (pursuant to s 18A(1)(a) of the OIA) would enable us to grant your request, we have decided that this would not be appropriate. Gathering of the information requested and

identifying what is in scope would not be the bulk of the task to meet this request. Rather, the bulk of effort involved is in the review of the information contained within and attached to the e-mails, which MPI believes cannot be charged for under Ministry of Justice guidelines. Fixing a charge, therefore, does not provide a solution that resolves the significant resource burden this OIA would place upon MPI.

We also considered whether extending the time required to respond to this request would enable the request to be granted. We estimate a timeframe of approximately 40 working weeks would be required to meet your request, having regard to the circumstances pursuant to s 15A(2) of the OIA. However, due to the considerable time required to review such a significant number of emails, meeting the request would unreasonably interfere with the operations of MPI.

Secondly, pursuant to s 18B of the OIA, we have a duty to consider consulting the requester if the request is likely to be refused under s 18(f). We therefore considered whether revising the scope of the request would offer a more practicable solution. In considering that, we noted that the request was made following an inability of parties to reach agreement on the scope of discovery within the context of the judicial review process. On this basis we determined that attempting to revise the scope of the OIA request would not offer a more practicable way forward. This view is confirmed by your letter of 16 February 2016, where it is clear that it is the entire volume of the emails requested that is being sought rather than any smaller portion. Therefore, considered reasonably, we do not see that entering into correspondence on this issue would yield a satisfactory outcome.

You have the right under s 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 & Land Management