

25 October 2019

Chris Johnston

By email: fyi-request-11357-12c9e3b1@requests.fyi.org.nz

Dear Chris

Official information request for information mentioning scientist Patrick Frank

I refer to your request for information under the Official Information Act 1982 (the Act) dated 2 October 2019:

“Please provide any records (including but not limited to internal/external: documents, emails, notes, minutes, text messages, or social media messages) mentioning scientist Patrick Frank.”

Due to the substantial amount of work that would be required to research and collate the information you have requested, we are refusing your request under section 18(f) of the Act on the basis that the requested information cannot be made available without substantial collation and research. A search of the University’s email system alone for “Patrick Frank” discovered 688 email threads. While not all of these email threads may be relevant to your request, the University would be required to search through all 688 to identify those which are relevant. The University has no way of easily searching for other records to identify those that mention “Patrick Frank”.

The University considered whether charging or extending the timeframe for responding to your request would help, as required by section 18A of the Act, and also whether consulting with you would help, as required by section 18B of the Act. However, neither of these things would help given that the University has no way of easily searching records to identify those that mention “Patrick Frank”.

In addition, the University believes that any records relevant to your request could also be withheld under sections 9(2)(g)(i) of the Act (on the basis that withholding is necessary to maintain the effective conduct of public affairs through the free and frank expression of opinions by or between (University staff) in the course of their duty) and/or section 9(2)(a) of the Act (on the basis that withholding is necessary to protect individual privacy).

In relation to section 9(2)(g)(i) of the Act, I note in particular that the Education Act 1989 sets out the unique role of a university to be critic and conscience of society and also enshrines the statutory protection of academic freedom. Among other things, academic freedom includes “the freedom of academic staff and students, within the law, to question and test received wisdom, to put forward new ideas and to state controversial or unpopular opinions”.

You have the right to seek an investigation and review by the Ombudsman of this decision. Information about how to make a complaint is available at www.ombudsman.parliament.nz or freephone 0800 802 602.

If you wish to discuss this decision with us, please feel free to contact me at oiarequests@vuw.ac.nz. I am able to provide further assistance should you be willing to change or refine your request.

Yours sincerely

A handwritten signature in black ink, appearing to read 'GTawharu'.

Georgia Tawharu

Adviser, Information Access and Copyright