

12 March 2024

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Tēnā koe Chris

Your request for official information, reference: HNZ00038343

Thank you for your email on 19 February 2024, asking Health New Zealand | Te Whatu Ora for the following under the Official Information Act 1982 (the Act):

“Are you able to provide a list of the following

All of the lawyers / consultants engaged associated with Te Whata Ora trying to scrub the internet of the taxpayers data associated with the Barry Young case

This should include but not be limited to the following - can you also include their terms of reference that they have been engaged on

Name of the Company / Consultancy

Type of Company - Law Firm / Cyber Expert etc etc Total Cost to Date paid to the firm”

Response

Health NZ has engaged two law / consultancy firms – Simpson Grierson and Clyde & Co – in relation to this matter. They have provided a range of services, including taking steps to remove Health NZ confidential data from the internet and prevent further unauthorised access or disclosure of it. Approximate costs paid to date in relation to these steps is NZ\$42,730 excluding GST.

The costs referred to above include legal work to obtain injunctive orders from the Employment Relations Authority, including orders that unknown respondents permanently delete and not publish the data or extracts from that information.

Health NZ has chosen to withhold the terms of engagement for the above law firms under sections 9(2)(b)(ii) and 9(2)(h) of the Act:

- Section 9(2)(b)(ii) – If released, this information would be likely to unreasonably prejudice the commercial position of the person who supplied or who is the subject of the information.
- Section 9(2)(h) – In order to maintain legal professional privilege.

Health NZ has also chosen to withhold the names of the individual lawyers who have been involved in this work under sections 9(2)(a) and 6(d) of the Act:

- Section 9(2)(a) – In order to protect their privacy. The need to protect the privacy of these individuals is not outweighed by the public interest in the release of this information.
- Section 6(d) – Making this information available would be likely to endanger the safety of any person.

Where information has been withheld under section 9 of the Act, I have considered the public interest in releasing the information, namely the terms of engagement and names of lawyers

involved with this work. However, I do not consider that this public interest outweighs the harm identified above.

How to get in touch

If you have any questions, you can contact us at hnzOIA@health.govt.nz.

If you are not happy with this response, you have the right to make a complaint to the Ombudsman. Information about how to do this is available at www.ombudsman.parliament.nz or by phoning 0800 802 602.

As this information may be of interest to other members of the public, Health NZ may proactively release a copy of this response on our website. All requester data, including your name and contact details, will be removed prior to release.

Nāku iti noa, nā



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