

4 May 2017

Allen Reynolds

By: FYI.org.nz

Dear Mr Reynolds

OFFICIAL INFORMATION ACT REQUEST – AVIATION SAFETY & RPAS IN WHENUAPAI CONTROL ZONE

We refer to your request for information under the Official Information Act 1982 (“OIA”) set out on the FYI.org.nz website on 9 April 2017.

You have requested the following:

1. Explanation as to why the information is confidential
2. Post the confidentiality agreement on the FYI site
3. Data Airways currently holds for Whenuapai RPAS flights from 19 December 2016 to 26 March 2017 by: NOTAM-level of resolution to one minute of latitude or longitude (instead of the coordinates).

Request One

As outlined in our previous response to you, the Airshare web portal was developed to educate drone flyers about Civil Aviation rules by providing easy to understand information and encourage safe flying.

One way Airshare encourages safe flying is by providing access to an online tool to log flights. This is not for public sharing rather, is a tool for:

- Users (and general public) to ensure they are not flying in controlled airspace; and
- Commercial users to apply for authorisation from Air Traffic Control operators to fly within controlled airspace; and
- Air traffic Control operators to better-monitor controlled airspace.

Particularly in the Whenuapai area, the disclosing the coordinates of commercial RPAS users would be likely to unreasonably prejudice the commercial position and the privacy of the parties that have supplied the information.

Furthermore, the information that is subject to an obligation of confidence and the making of that information would likely prejudice the supply of similar information, or from the same source, and it is in the public interest that such information continue to be supplied.

Request Two

We cannot post our Confidentiality Agreement with an individual on FYI.org.nz as a part of the terms of the agreement is that the parties to the agreement keep the terms of the agreement confidential. This means it has to be sent to you as an individual privately and you then need to sign it as an individual. You would be in breach of the confidentiality agreement if it was posted online or made publically available or have any opinion which reproduces, is based on, utilises or relates to the Confidential Information.

Our concern, based on your previous actions, is that you may not abide by the terms of the Confidentiality Agreement and breach the agreement by posting the confidential information publically.

Subsequently, we have decided to refuse your request under sections 9(2)(b)(ii) and 9(2)(ba)(i) of the OIA to protect the confidential and commercial sensitivities of Airshare Users.

Request Three

We do not hold RPAS data (specifically, the coordinates) for 'NOTAM-level of resolution' - to one-minute of latitude or longitude. The requested RPAS data does not exist.

Accordingly, we must refuse your request under section 18(e) of the OIA.

Your rights

Please note that you are entitled to apply to the Ombudsman for a review of our decisions pursuant to section 28(3) of the OIA.

Kind regards



Arama Eruera
Official Information Act Officer