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Richard Clark

By email: fyi-request-7929-396a89e9@requests.fyi.org.nz

Dear Richard

Information Requests - Detailed assessments related to NZ Localities Dataset

Background

Thank you again for your most recent email in connection with the New Zealand Localities Dataset (the **Dataset**), which was received by Fire and Emergency New Zealand on 24 May 2018.

In your email, you asked for *full copies of the output or outputs of each of these three assessments*:

- 1. Detailed assessments were made regarding the appropriateness of licencing NZ Localities pursuant to a Creative Commons licence*
- 2. Detailed assessments were made regarding whether NZ Localities should be considered a Fundamental Dataset*
- 3. Detailed assessments were undertaken regarding the feasibility of NZFS becoming an Official Custodian of NZ Localities*

(together, the **Requests**)

FENZ considered your requests in accordance with the Official Information Act 1982 (**OIA**). On 22 June 2017, FENZ advised you it was necessary to extend the time frame to make its decision on the Requests in accordance with section 15(1) of that OIA. That extension was necessary because the Requests necessitated a search through a large quantity of information, and meeting the original time limit would have unreasonably interfered with FENZ's operations.

FENZ earlier responded to requests for information on 23 May 2018 and 22 June 2018. The information that FENZ provided on 23 May 2018 (which I **attach** for ease of reference) set out matters such as:

- background to the NZ Localities Dataset;
- the manner in which the Dataset is used within emergency communication centres;
- the manner in which FENZ provides the Dataset to the public;

- the risk to the public that would arise if version(s) of the Dataset used by the public did not reflect the version of the Dataset used in FENZ emergency communication centres, and
- measures used to mitigate that risk to the public.

Requests relating to NZ Localities

FENZ has now completed the search necessary for the Requests, and made a decision to grant the Requests, in accordance with subsection 15(1) OIA, in the manner set out below. Please find the relevant documentation **attached**.

- As set out in FENZ's letter of 23 May 2017, the information that the Requests relate to was generated between 2013 – 2016. A number of personnel, who were at New Zealand Fire Service Commission (FENZ's predecessor - **NZFS**), and at relevant partner agencies, at that time, are no longer with those organisations.
- Internal assessments and discussions relating to the Dataset were also made verbally. In that light, to the extent that any information is not provided, the Requests are refused *because the documents alleged to contain the information requested do not exist, or despite reasonable efforts to locate them, cannot be found in accordance with subsection 18(1) OIA*.
- NZFS was working with the *New Zealand Geospatial Office* (a business unit of Land Information New Zealand - **NZGO**), in connection with the Dataset being considered a Fundamental Dataset, principally during 2013 – 2014.
- Guided by the NZGO, NZFS took certain steps set out in the *Custodianship Pathway* (particularly, the steps set out as 1.0 – 3.1 in NZGO's Custodian Pathway document).
- FENZ understand that Land Information New Zealand's geo-spatial strategy evolved in the course of that work. The programme of work between NZGO and NZFS did not progress any further.
- In the documentation attached, FENZ has provided an uncompleted version of a survey that it invited users of the Dataset to complete to complete in 2014. The survey related to uses of the Dataset. Responses appear to have been received from organisations such as University of Canterbury, Tonkin and Taylor, Selwyn District Council, NZ Post, Ministry of Civil Defence and Emergency Management, Manawatu District Council, Hamilton City Council, ESRI, Integrated Mapping, Data Insight, CoreLogic, and a number of private individuals.
- Individual responses to that survey have been withheld as this has been necessary to:
 - *protect the privacy of natural persons, including that of deceased natural persons in accordance with subsection 9(2)(a) OIA;*
 - *protect information where the making available of information would disclose a trade secret or would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information in accordance with subsection 9(2)(b) OIA;*
 - FENZ does not consider that the withholding is outweighed by considerations which render it desirable, in the public interest, to make that information available.
- Certain information, relating to the licencing NZ Localities pursuant to a Creative Commons licence, has been withheld because withholding of that information is necessary to *maintain legal professional privilege in accordance with subsection 9(2)(g) OIA*. FENZ does not

consider that the withholding is outweighed by considerations which render it desirable, in the public interest, to make that information available.

- FENZ's assessments of standard creative commons licences available to provide the Dataset to the public found that, without bespoke restrictions to mitigate the Public Risk (described in my earlier letter of 23 May 2018), all of those standard creative commons licences would give rise to an inappropriate risk to the health and safety of the public. A detail description of that Public Risk, and how FENZ mitigates the Public Risk, is set out in paragraphs 13-23 of my letter dated 23 May 2018.

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 free phone 0800 802 602.

Yours sincerely



Leigh Deuchars
Director, Office of the Chief Executive