

19-E-0659 – DOC-6081497

1 October 2019

T Benseman
Via fyi.org

Dear Mr Benseman

I refer to your official information request of 20 September 2017 regarding photos of possums.

You asked:

How many photos of possums eating birds or eggs do you have? Please send me copies of them.

Our decision

We are refusing your request under section 18(h) of the OIA, as it is a combination of being both frivolous and vexatious.

In reaching that view we note that publicly available information indicates that you believe that the department holds only one such photo and that it has been staged.

Basis for finding your request frivolous – it is obvious we have more than one photo

We have decided to refuse your request as frivolous because a search of our website on the term ‘possum’ provides several examples of photos of possums preying on native birds and eggs, from both internal and external sources. Without having to review our files, this publicly available information dispels your assertion that the department holds only one such photo.

We also note that providing a response to your specific request could not be completed without substantial collation and research. This is because we would have to conduct a search of every photo held at local offices around the country for the specific subject matter of your request. We believe conducting that collation and research would disclose further photographs within scope of your request, as well as other media. However, we consider that given the circumstances surrounding your request this is unwarranted.

Basis for finding your request vexatious – we rely on scientific evidence, not conjecture

Our decision to also decline your request as being vexatious is based on your apparent assertion that that the photo has been staged. That is simply not the case. The position you appear to have taken ignores the surrounding scientific evidence. In the first instance we direct you to the following link that can be found on the department’s website:

<https://www.doc.govt.nz/news/media-releases/2010/possums-eat-kea/>

To further assist your understanding, we set out below two journal articles that address the unique way possums prey on eggs and birds:

https://newzealandecology.org/system/files/articles/NZJEcol20_2_277.pdf

https://www.notornis.osnz.org.nz/system/files/Notornis_40_3_169.pdf

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 us at replies@doc.govt.nz.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Hilary Aikman', with a stylized, cursive script.

Hilary Aikman
Director, National Operations
For Director-General