



23 August 2023

By email: [fyi-request-23481-829c7fd1@requests.fyi.org.nz](mailto:fyi-request-23481-829c7fd1@requests.fyi.org.nz)

Tēnā koe M Sinclair

I refer to your information request dated 13 July 2023 made under the Official Information Act 1982 (the Act). You requested information in relation to the University of Otago's new brand.

We note that on 11 August 2023, we responded to your request in part, and extended the remainder of your request (questions 3 and 5) to 23 August 2023.

Please see below our response to the remainder of your request.

**3. Correspondence to/from/involving senior leadership team, University Council members and/or operations/marketing/administration staff at the University which discuss the timing, appropriateness, or decision of rebranding.**

In our response dated 11 August 2023, we noted that your request in its original form was very broad. Given the size of the University, there are a number of staff in "operations/marketing/administration" positions (arguably, all University staff could be considered operational or administrative), and it would not be practically possible for us to ask all of these staff members to search their records for information within scope of your request. In order to make this part of your request practically manageable, we advised that we were collating correspondence from the following staff since 1 January 2023:

- The University's [Senior Leadership Team](#)
- The University Chancellor
- The Director, Marketing Services

Subject to the following comments, please see **attached** correspondence held by the Senior Leadership Team, Chancellor, and Director, Marketing Services since 1 January 2023 that "discuss the timing, appropriates, or decision of rebranding":

- Having given careful attention to public interest considerations in accordance with section 9(1) of the Act, we have withheld or redacted information where we consider that good reasons exist for withholding information. We have redacted or withheld information:
  - pursuant to section 9(2)(a) of the Act, on the basis that it is necessary to protect the privacy of natural persons. This includes, for example, names, emails addresses, and other identifying personal details of the individuals who sent the emails.
  - pursuant to section 9(2)(g)(i) of the Act, on the basis that withholding information is necessary to maintain the effective conduct of public affairs through the free and frank expression of opinions between employees of the University and/or other parties providing opinions on matters relating to the rebranding project. Some of the

information withheld also includes material relating to the drafting of media releases, webpages, emails, communications strategies, and FAQ documents. The final versions of all such communications are provided where applicable, or they are publicly available online through the University's [webpage](#) on the new brand.

- we have also removed information that is out of scope and not relevant to your request.
- most feedback on the University's new brand was received by way of a survey. The Tuakiritaka Consultation Findings document (publicly available [online](#)) contains information on the background to the proposal, how the University consulted on the proposal, and an analysis of the findings from the survey. Please see **attached** a copy of this document.

**5. Briefing documents or memos provided to the decision makers at the time the rebranding decision was confirmed.**

We note that no briefing documents or memos were provided to the decision makers (University of Otago Council) at the time the decision to approve the University's new brand was confirmed. The decision was made at a Council only session held on 11 July 2023 and confirmed later that same day during the Part 1 – Open Committee section of the University Council meeting. On that basis, this would constitute a decline on this part of your request pursuant to section 18(e) of the Act, as the document alleged to contain the information does not exist.

However, we note that University Council members were briefed in a series of meetings on the brand proposal, the first of these briefings being in July 2022. The documents provided during these briefing meetings were reviewed by Council members during the non-public parts of Council meetings. We note that the Chair of the University Council may move that the public be excluded from the whole or any part of the proceedings of a meeting if the public conduct of those proceedings would be likely to result in the disclosure of information for which good reasons for withholding it would exist (consistent with section 48(1)(a)(ii) of the Local Government Official Information and Meetings Act 1987). These documents were withheld from the public pursuant to one or more of the following withholding grounds:

- section 9(2)(i) of the Act on the basis that we consider withholding this information is necessary to enable the University to carry out commercial activities without prejudice or disadvantage;
- section 9(2)(j) of the Act on the basis that we consider withholding this information is necessary to enable the University to carry on negotiations without prejudice or disadvantage; and
- section 9(2)(k) of the Act on the basis that we consider withholding this information is necessary to prevent the disclosure or use of this information for improper gain or improper advantage.

Having checked with the University Chancellor (Chair of the University Council), we can confirm that the reasons for withholding this information still remain as the documents contain confidential commercially sensitive information. On that basis, we decline providing you with copies of these documents pursuant to section 9(2)(i) of the Act, as we consider withholding this information is necessary to enable the University to carry out commercial activities without prejudice or disadvantage. We are concerned that release of this information could still have a prejudicial effect on the University's ability to carry out its commercial activities as:

- the information is detailed and sensitive.
- the information is not in the public domain.
- the information relates directly to the University's commercial activities.

We also note that the documents we have withheld also include information that is subject to obligations of confidence (correspondence with our design consultants), is legally privileged (regarding advice on trademarks), is private (such as private communications with alumni), and contains free and frank opinions.

We acknowledge that there is public interest in releasing such information, namely accountability in the context of spending public money. However, we do not believe this outweighs the good reasons that exist for withholding the information. The University's brand is an important commercial aspect of its operations. We are operating in a highly competitive commercial environment with other tertiary institutions. Therefore, the University's brand is a core component of what sets it apart from its competitors.

In case it is helpful, we note that the documents we have withheld include:

- presentations on the project, including project history, project approach, key project personnel, discovery research insights, brand audit, creative concepts, and design updates.
- project updates.
- consultation plans and timelines.
- decision criteria.
- communications strategies.
- draft versions of FAQs and webpages.
- feedback received from key stakeholders.
- budget estimates.
- survey feedback analysis.
- market research briefings.
- guidelines on the use of the new visual identity.

In the above cases, we consider that good reasons exist for withholding information, and this is not outweighed by other considerations which would make it desirable, in the public interest, to make the information available. If you are not satisfied with our response to your information request, section 28(3) of the Act provides you with the right to ask an Ombudsman to investigate and review this response. However, we would welcome the opportunity to discuss any concerns with you first.

Yours sincerely



Kelsey Kennard  
Official Information and Compliance Coordinator  
Office of the Registrar