

OIA19-0720

Andrew Tipton
fyi-request-11533-6734c2c1@requests.fyi.org.nz

Dear Andrew Tipton

OFFICIAL INFORMATION ACT REQUEST

I refer to your official information request on 25 October 2019 for information regarding “*all of the data access requests that MPI has made for access to data for the purposes set out in sections 40(e) and 40(g)*”.

The National Animal Identification and Tracing (NAIT) scheme requires anybody in charge of cattle and deer to register their animal and record any animal movements. The information held in the NAIT database forms a vital part of our national biosecurity system, as it helps the Ministry for Primary Industries (MPI) respond to and manage animal diseases, such as *Mycoplasma bovis*.

The following information is released to you under the Official Information Act 1982 (OIA). For ease of reference, the response to each of your specific requests has been provided in the numerical order used in your letter.

- 1) *For each of these access requests, please provide a copy of the NAIT Data Access Request form (and any attachments) and the response(s) and decision(s) received as a result of these access requests. Please also provide copies of any correspondence, internal discussions, briefing notes, and/or other materials that discuss or relate to these access requests.*

Please find attached the NAIT Data Access Request forms for four of the six requests MPI has made for access to NAIT data under sections 40(e) and 40(g) of the NAIT Act 2012 (NAIT Act). Two of the requests were made via email, using a past Data Access Request form as reference, which have also been provided. All of these requests were granted.

- 2) *For each of these access requests that was approved, please outline the restrictions (if any) that were placed on the data supplied to MPI. Please also describe the precise nature of the data supplied, such as which items of information from the NAIT database were included, the point(s) in time covered by the data, and the level of detail (e.g. whether the information was aggregated by farm/watershed/TA).*

Any restrictions for each of these requests can be found in the Annual Reports published by the NAIT Information System Access Panel on the OSPRI website at <https://ospri.co.nz/our-programmes/nait/about-the-nait-programme/publications/>.

The precise nature of the information supplied is listed in the appendix to this letter. Please note that access to the NAIT database was granted for request 249 instead of an extract of data provided, and the data was only accessed at the time of the farm visit.

- a. *If MPI still holds a copy of the original data supplied as a result of an access request, please include a copy of such data. If MPI does not currently hold a copy of the original data, for how long did MPI hold the data and what were the circumstances that resulted in MPI no longer holding the data?*

The NAIT data provided in response to requests made by MPI constitutes “data in the NAIT information system”, and in line with section 51(1) of the NAIT Act, cannot be provided to you under the OIA. You can request this information from OSPRI yourself if your request meets one of the criterion provided in section 40 of the NAIT Act.

Where required any information provided to MPI has been destroyed, in line with the restrictions placed on the data.

- 3) *The purpose of the data access requests was either “to provide data supporting productivity, market assurance, and trading requirements” under 40(e) or “to provide statistical data for policy development and related advice” under 40(g). Therefore, please provide copies of all documents, reports, publications, analyses, spreadsheets, statistical returns or other material (including drafts) which was produced from, derived from, or otherwise incorporates the NAIT data that was supplied to MPI for section 40(e) or 40(g) purposes.*

Please find attached copies of the reports prepared for the OIE, which utilises the information supplied for requests 262, 291 and 314.

The data supplied for requests 249 and 323 relate to the development and operation of programmes, and therefore do not have documentation which can be provided which demonstrates how the information was used. The information provided as part of request 283 was not used as part of any report or documentation created by MPI. This part of your request is therefore refused in relation to these three requests, pursuant to section 18(e) of the OIA, as “*the information requested does not exist*”.

- 4) *Does MPI have any means of accessing the NAIT database other than by submitting individual data access requests? For example, has MPI been granted “direct access” to the NAIT database? Or are there any arrangements whereby MPI will receive recurring access to the NAIT data, such as daily or monthly updates? Or has MPI made any enquiries or requests to access NAIT data in a manner other than making individual data access requests?*

MPI employs NAIT officers, who ensure anyone required to provide data on animal movements is compliant with their duties, as provided by section 54 of the NAIT Act. As part of undertaking this role, these officers have complete access to the NAIT database. This is the same level of access as provided to OSPRI employees who hold the same title.

MPI is also responsible for the administration and operation of the Animal Products Act 1999, the Animal Welfare Act 1999, the Biosecurity Act 1993, the Commodity Levies Act 1990, and the Primary Products Marketing Act 1953. As part of this role, MPI can and does apply for access to the core data held within the NAIT database.

- a. *If so, please provide any correspondence or documents relating to the means of access (or proposed access) to NAIT data, the conditions (if any) under which MPI may access (or proposes to access) the NAIT data, and the purposes for which MPI has used or is planning to use its access (or its proposed access) to the NAIT data.*

NAIT officers employed by MPI are provided access to this information in line with sections 40(a) and 40(b) of the NAIT Act, “*to enable the NAIT organisation, a NAIT officer, or a NAIT authorised person to exercise their powers and carry out*

their functions and duties”, and “to assist other persons with duties under this Act to carry out their duties”, respectively.

Other employees within MPI are able to apply for, and gain access to, NAIT information in accordance with section 40(c) of the NAIT Act, “*to facilitate the purposes of the Animal Products Act 1999, Animal Welfare Act 1999, Biosecurity Act 1993, Commodity Levies Act 1990, Primary Products Marketing Act 1953, and any other enactment relating to animals or animal health*”.

- 5) *Section 49 of the NAIT Act allows the NAIT organisation to publish statistics based on the NAIT data. It does not appear any such statistics have been published. Please provide any correspondence, documents, reports, or other material which relate to section 49 of the NAIT Act, to the NAIT organisation’s failure to produce any statistics, to any requests or proposals by MPI for the NAIT organisation to produce statistics, or to any advice or proposals for MPI to produce statistics, or to any advice or proposals for MPI to produce statistics on behalf of the NAIT organisation.*

As stated in your request, the NAIT Act allows the NAIT organisation to publish statistics based on NAIT data, but does not compel them to do so. MPI is aware that some statistics have been published by OSPRI, including this infographic published on their Facebook page:

<https://www.facebook.com/OSPRINewZealand/photos/a.488887534471050/3203929269633516>. You can contact OSPRI directly should you have further questions regarding statistics they have produced.

Some information has been withheld from the documentation provided pursuant to the following sections of the OIA:

- Section 6(a), where *the making available of that information would be likely to prejudice the security of New Zealand*; and
- Section 9(2)(a), *to protect the privacy of natural persons*.

MPI is satisfied that in the circumstances of this case, the withholding of this information is not outweighed by other considerations which render it desirable in the public interest to make the information available.

In several parts of your request, you have asked for all correspondence, internal discussions, briefing notes, documents, reports, publications, analyses, spreadsheets, statistical returns, or other material which relates to part of your request. In line with our obligations under section 18B of the OIA, MPI attempted to consult with you in order to re-scope your request on 6 November 2019. To date, MPI has received no response to the email sent. Where the information requested has not been provided, it is refused pursuant to section 18(f) of the OIA, as providing a response to your request would require substantial collation and research.

You have the right under section 28(1) of the OIA to seek an investigation and review by the Ombudsman of our decision to withhold information and refuse parts of your request.

Yours sincerely



Veronica Herrera
Director Diagnostic and Surveillance Services

Appendix – Nature of Information Supplied to MPI

Request 262

Number of cattle registered in NAIT, Number of deer registered in NAIT, Number of establishments with cattle registered, Number of establishments with deer registered.
Data provided at national level.

Request 283

Registration month and year, production type (dairy, beef, none), animal count.
Birth month and year, production type (dairy, beef, none), animal count.
Initial production type, new production type, change month and year, animal count.
Data provided at national level.

For animals registered less than twelve months before movement:

From location type, to location type, original farm production type, movement month, animal type, animal count.

Initial animal production type, current animal production type, original farm production type, movement month, animal count.

Data not aggregated, but provided anonymously (i.e. without farm details).

Request 291

Number of cattle registered in NAIT, Number of deer registered in NAIT, Number of establishments with cattle registered, Number of establishments with deer registered.
Data provided at national level.

Request 314

Number of cattle registered in NAIT, Number of deer registered in NAIT, Number of establishments with cattle registered, Number of establishments with deer registered.
Data provided at national level.

Request 323

NAIT Animal (cattle) registration information: Date of Birth, NAIT Number of Birthplace, NAIT Number At First Registration, Animal Type NAIT RFID, NAIT Visual Tag Number, Production Type, Gender, Species Type, Age Months, Age Years, Import Date, Import Country Of Origin

NAIT Animal (cattle) movement records: Sending NAIT Number, Receiving NAIT Number, Receiving Property type, NAIT RFID, Visual Tag Number, Date Sent, Date Received

NAIT Animal (cattle) kill information specific to *M.bovis* records: Kill Date, NAIT Number Sent From, Meat Processor NAIT Number, NAIT RFID, NAIT Visual Tag Number, Disposal Method, Carcase Disease Status 1 – 24