



11 October 2019

dukeofurl

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Dear dukeofurl

Official Information Act 1982 (OIA) request dated 21 August 2019 (ref OIA19200195)

Thank you for your OIA request, which was transferred to the Department of Internal Affairs (the “Department”) by the Auckland Council.

Your request

You requested to be provided with “...the full application and the full decision for the gaming machines (not horse racing) for the TAB at this site” (referring to the New Lynn TAB, located at 3041 Great North Road, New Lynn).

You also asked for information about where the gaming machines were located prior to installation at the New Lynn TAB.

Licence documents within scope of your request

The Department identified several documents in scope of your request, which are attached to this letter as a single PDF file. These documents include the application form for the Class 4 gaming licence, the personal information form for the venue manager, the lease agreement for the premises, the harm minimisation policy, and the Class 4 gaming licence itself. Also included are various Departmental checklists and documents relating to the decision to grant the licence.

Information about the gaming machines at TAB New Lynn

The Department can confirm that the gaming machines first licenced to the Racing Industry Transition Agency (RITA)¹ were already located at the venue prior to being relicensed to RITA.

¹ The Racing Industry Transition Agency (RITA) was previously known as the New Zealand Racing Board (NZRB) and is the corporate society that holds the class 4 venue licences for any TAB venues with class 4 gaming machines, such as TAB New Lynn.

Principle of availability

The starting point for considering your request is the principle of availability. That is, information must be made available on request unless there is a good reason for withholding it.

Withholding grounds applicable under section 9(2) of the OIA

The Department has considered the reasons for withholding information that are subject to the public interest test, which are listed in section 9(2) of the OIA. The Department considers that two of the grounds for withholding information as outlined in section 9(2) of the OIA apply to some of the requested information. These grounds are section 9(2)(a) and section 9(2)(b)(ii) of the OIA. Where information has been withheld under these grounds, it has been identified in the documents.

Reasoning in support of the application of the above withholding grounds under section 9(2) of the OIA

Several of the documents contain personal information which has been withheld. The information withheld includes the names, contact details, and other personal information about several identifiable individuals. It is necessary to withhold this information under section 9(2)(a) of the OIA in order to protect the privacy of the individuals concerned.

The Department is also withholding some information in the documents under section 9(2)(b)(ii). The information withheld includes details of a lease agreement between two parties. It is necessary to withhold this information to as it would be likely unreasonably to prejudice the commercial position of the parties who are the subject of the information.

Balancing exercise required by section 9(1) of the OIA

Section 9(1) requires the Department to undertake a balancing exercise and decide whether the need to withhold information under section 9(2) of the OIA (as identified in the documents attached) is outweighed by other public interest considerations that support disclosure of the information.

The Department notes that there is a public interest in disclosure of the information redacted under section 9(2) of the OIA (as described in this letter) on the basis that it will illuminate administrative decision-making processes relating to granting the class 4 licence to the New Lynn TAB. The Department has carefully considered this public interest consideration when undertaking the balancing exercise required by the OIA (as described above).

In this case, the Department believes that the public interest in favour of disclosure of the redacted information does *not* outweigh the need to withhold the redacted information for the reasons set out in section 9(2) of the OIA (and as described in this letter). Therefore, sections 9(2)(a) and 9(2)(b)(ii) provide good reasons for withholding the redacted information.

Recourse to the Ombudsman

If you are dissatisfied with the Department's decision on your request for information, you have the right, under section 28 of the OIA, to make a complaint to the Office of the Ombudsman. The Office of the Ombudsman can be contacted by phone on 0800 802 602, via post at PO Box 10152 Wellington or via email to info@ombudsman.parliament.nz.

Yours sincerely

A handwritten signature in black ink, appearing to read 'C Stanley', written in a cursive style.

Charlotte Stanley

Deputy Director Operations
Regulatory System Gambling