

## Georgia Tawharu

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**From:** Georgia Tawharu on behalf of OIA Requests  
**Sent:** Wednesday, 6 November 2019 9:13 AM  
**To:** Chris Johnston  
**Subject:** RE: Official Information request - VUW: Records mentioning scientists Dr Ned Nikolov and/or Dr Karl Zeller and/or Dr Roy Spencer

Kia ora Chris

The University has not received an OIA request relating to Dr Ned Nikolov, Dr Karl Zeller, Dr Roy Spencer.

Ngā mihi nui

### Georgia Tawharu

Adviser, Information Access and Copyright – Legal Services  
Victoria University of Wellington | Te Whare Wānanga o te Ūpoko o te Ika a Māui

Phone: 04 463 5249  
Room 213, Hunter Building  
Gate 2 Kelburn Parade PO Box 600, Wellington 6140, New Zealand

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-----Original Message-----

From: Chris Johnston <fyi-request-11355-xxxxxxxx@xxxxxxxx.xxx.xx>  
Sent: Tuesday, 5 November 2019 1:35 PM  
To: OIA Requests <oiarequxxx@xxx.xx.xx>  
Subject: Re: Official Information request - VUW: Records mentioning scientists Dr Ned Nikolov and/or Dr Karl Zeller and/or Dr Roy Spencer

Dear Victoria University of Wellington,

Note: There has been a corruption of the record for this OIA on the fyi.org.nz website - which I have reported as a complaint to the administrator.

Please confirm that the request for information preparing for a possible quantitative response is underway. As per the associated OIA requests - is the ETA 15 November 2019?

From my point of view I am assisting VUW to comply with the law in answering the original OIA.

Could you also please respond to my responses to the VUW logic in declining the OIA. If VUW have not changed their mind this will determine whether we head to the Ombudsman.

If there is no response by the close of business on Thursday 7 November then I will assume that you are not reconsidering. If you want to buy time to reconsider then please provide a date.

Yours faithfully,

Chris Johnston

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Please use this email address for all replies to this request:  
fyi-request-11355-9e541780@requests.fyi.org.nz

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<https://apc01.safelinks.protection.outlook.com/?url=https%3A%2F%2Ffyi.org.nz%2Fhelp%2Fofficers&data=02%7C01%7Coiarequests%40vuw.ac.nz%7C595a218225be4f6ab86208d76188076a%7Ccf63e236951427e8683bb84dcf1d20c%7C0%7C1%7C637085109213192240&sd=LI6mPu7HDpuzW5%2FYG3QHKMBT9asCrwDQV%2BSwZ2KGKrA%3D&reserved=0>

If you find this service useful as an Official Information officer, please ask your web manager to link to us from your organisation's OIA or LGOIMA page.

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## Georgia Tawharu

---

**From:** Chris Johnston <fyi-request-11357-@...>  
**Sent:** Monday, 9 December 2019 12:20 PM  
**To:** OIA Requests  
**Subject:** Re: Official Information request - VUW: Records mentioning scientist Patrick Frank

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Dear OIA Requests,

Thanks for your estimate of the effort required to meet the record count triage request that helps VUW and myself:

- 1) Understand whether the counts are sufficient in their own right to answer my question (e.g. a zero count might), and/or
- 2) Whether the original OIA request can be answered because the number of documents involved is low – and therefore any effort to redact etc is low.

I will regard this letter as consultation on how to best meet the need for the information. This will enable you to respond in a more immediate way than waiting for the full allocated time, then extending the time, then providing a cost instead of an answer. I note that VUW has not followed its own process with respect to this OIA request as documented in "OIA process document.pdf". For clarity I have included details of this process from the following OIA <https://apc01.safelinks.protection.outlook.com/?url=https%3A%2F%2Ffyi.org.nz%2Frequest%2F11558-vuw-evidence-of-ability-to-comply-with-the-public-records-act-and-the-oia&data=02%7C01%7Coiarequests%40vuw.ac.nz%7C23853095e4eb4ff1797908d77c35326f%7Ccf63e236951427e8683bb84dcf1d20c%7C0%7C0%7C637114440250422770&sdata=xzsybgz9Ow%2B6divXG%2B%2Be9Y1MfbDjpQbaHJ2gQ9oENtQ%3D&reserved=0> below:

"Extensions:

- Should be given rather than declining for substantial collation or research under s18(f).
- Only extend for the amount of time needed.

Charging:

- Should be given rather than declining for substantial collation or research under section 18(f).
- There are strict requirements set out in the Ombudsman's Charging Guidelines.
- Send the letter to the requester within the timeframe giving them time to pay to within the timeframe"

An extension was requested (presumably to complete the "substantial collation or research" rather than decline the request (as in the guideline quoted above). However, the VUW letter of 3 Dec 2019 is written in the future tenths – so I conclude that the research has not yet been undertaken.

I note that the procedure for charging is to send the letter to the requester "within the timeframe giving them time to pay within the timeframe". Note that "within the timeframe" is mentioned twice. Communication sent on 3 December 2019 for a (extended) 5 December 2019 deadline with a promise of the results within 20 working days from the date of payment is not very compliant or proactive.

A selection of some key dates so far is also worth being explicit about:

- 2 October 2019 – Original request by myself
- 25 October 2019 – VUW refuse under 18(f) without consultation as required under 18B
- 30 October 2019 – An initial way of triaging by counting documents is suggested (so that i) the size can be estimated and ii) issue be taken with VUW's logic of "too much effort")
- 27 November 2019 – An extension letter sent by VUW
- 3 December 2019 – VUW concludes after 5 weeks (including an extension) that it takes 20 minutes per search to count documents in SharePoint/O365.

In order to provide some credibility to the 20-minute estimate VUW needs to provide a description of the process/steps followed to undertake their search. For example, is this human effort or computer run time, and can any “computer run time” be run in parallel?

CONSULTATION 1) Describe the process/steps followed to undertake the requested search to estimate the number of documents for a single cell in the grid that justifies “20 minutes per search” [Effort] CONSULTATION 2) Describe the total amount of time in total that is reasonable to respond to an OIA that would not attract a charge from VUW. [Time Budget].

PROPOSAL 1) Where we can agree [Effort] we will calculate [Time Budget] by [Effort] and arrive at a “number of cells to be searched” for triage purposes. My proposal is 3 hours total, which even at 20 mins per search this would provide us with 9 searches per OIA (3 hours/20 mins). I would select the combinations to search and redefine the grid.

ORIGINAL OIA of 2 OCTOBER 2019

VUW has also not responded to the questions posed in my communication of the 5 November 2019 about the logic used in declining the request. On 13 November 2019 VUW said that it was [re]considering its position. [My annotation].

CONSULTATION 3) Has VUW changed its mind on how the original OIA of 2 October 2019 will be treated?

#### THE PATH FROM HERE

When taken in the whole, it seems that:

- Both of the following OIAs with VUW are affected – both significantly overdue:
  - o <https://apc01.safelinks.protection.outlook.com/?url=https%3A%2F%2Ffyi.org.nz%2Frequest%2F11357-vuw-records-mentioning-scientist-patrick-frank&data=02%7C01%7Coiarequests%40vuw.ac.nz%7C23853095e4eb4ff1797908d77c35326f%7Ccf63e236951427e8683bb84dcf1d20c%7C0%7C0%7C637114440250422770&sd=8qIGUefcdarUjYLpiZHW5jir3NsrBtclKWLpj5EG7I%3D&reserved=0>
  - o <https://apc01.safelinks.protection.outlook.com/?url=https%3A%2F%2Ffyi.org.nz%2Frequest%2F11356-vuw-records-mentioning-scientists-dr-ronan-connelly-and-or-michael-connelly-and-or-christopher-monckton&data=02%7C01%7Coiarequests%40vuw.ac.nz%7C23853095e4eb4ff1797908d77c35326f%7Ccf63e236951427e8683bb84dcf1d20c%7C0%7C0%7C637114440250422770&sd=NKb1iizHwCFZFvc%2FDz6xY0z44BG8%2B%2BpZ%2BcWAIQTQ74%3D&reserved=0>
- It would be simpler and cheaper to revisit the original OIAs in their original form now that there is greater clarity on VUW’s self-acknowledged obligations and the awareness of its staff.
  - o All academic staff in VUW are clearly briefed that the information they create is subject to the OIA
  - o The argument of “free and frank” expression has thus fallen away.
  - o See IRM Booklet.pdf in

<https://apc01.safelinks.protection.outlook.com/?url=https%3A%2F%2Ffyi.org.nz%2Frequest%2F11558-vuw-evidence-of-ability-to-comply-with-the-public-records-act-and-the-oia&data=02%7C01%7Coiarequests%40vuw.ac.nz%7C23853095e4eb4ff1797908d77c35326f%7Ccf63e236951427e8683bb84dcf1d20c%7C0%7C0%7C637114440250422770&sd=xzsybgz9Ow%2B6divXG%2B%2Be9Y1MfbDjpQbaHJ2gQ9oENTQ%3D&reserved=0> and my summary letter in that OIA trail at the link of 9 December 2019

- I need answers to CONSULTATION 1, 2 and 3 above.
- In the meantime, and without prejudice to continuing this process directly with VUW, I will be forwarding this OIA and the other associated ones to the Ombudsman for their input and guidance.

I note that the following OIA with VUW is also underway and may encounter similar debates, issues and delays:

o <https://apc01.safelinks.protection.outlook.com/?url=https%3A%2F%2Ffyi.org.nz%2Frequest%2F11355-vuw-records-mentioning-scientists-dr-ned-nikolov-and-or-dr-karl-zeller-and-or-dr-roy-spencer&data=02%7C01%7Coiarequests%40vuw.ac.nz%7C23853095e4eb4ff1797908d77c35326f%7Ccf63e236951427e8683bb84dcf1d20c%7C0%7C0%7C637114440250422770&sd=LxNFilmIOBe0rzz8INooU9hCnQB7V FVSXjNiYbOAolo%3D&reserved=0>

Yours sincerely,

Chris Johnston

-----Original Message-----

Please find the attached response to your request for information.

Ngā mihi nui

Georgia Tawharu

Adviser, Information Access & Copyright

Legal Services

Te Herenga Waka—Victoria University of Wellington

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| Phone +64 4 463 |  
5249

[[1]https://apc01.safelinks.protection.outlook.com/?url=www.wgtn.ac.nz&data=02%7C01%7Coiarequests%40vuw.ac.nz%7C23853095e4eb4ff1797908d77c35326f%7Ccf63e236951427e8683bb84dcf1d20c%7C0%7C0%7C637114440250422770&data=yN%2FX1SSXQnvvXygz8hZFG0%2FmUJROsBf8gbsPBVMYTV8%3D&reserved=0 ||  
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## References

### Visible links

1. <http://www.victoria.ac.nz/>  
<http://www.victoria.ac.nz/>

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## Georgia Tawharu

---

**From:** Chris Johnston <fyi-request-11356-@vuw.ac.nz>  
**Sent:** Monday, 9 December 2019 12:35 PM  
**To:** OIA Requests  
**Subject:** RE: Official Information request - VUW: Records mentioning scientists Dr Ronan Connolly and/or Michael Connolly and/or Christopher Monckton

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Dear OIA Requests,

Thanks for your estimate of the effort required to meet the record count triage request that helps VUW and myself:  
1) Understand whether the counts are sufficient in their own right to answer my question (e.g. a zero count might), and/or  
2) Whether the original OIA request can be answered because the number of documents involved is low – and therefore any effort to redact etc is low.

The interim information is useful in that it outlines that there is significant information of use and puts an upper bound around the numbers. It looks like there are approx 75 documents that would need to be reviewed under the column Ronan Connolly were VUW to answer this OIA as originally requested. This is under the assumption that many of the counts of documents are the same document. Redacting 75 documents does not to me seem to be too much work.

I will regard this letter as consultation on how to best meet the need for the information I have requested. This will enable you to respond in a more immediate way than waiting for the full allocated time.

ORIGINAL OIA of 2 OCTOBER 2019

VUW has also not responded to the questions posed in my communication of the 5 November 2019 about the logic used in declining the request. On 13 November 2019 VUW said that it was [re]considering its position. [My annotation].

CONSULTATION 3) Has VUW changed its mind on how the original OIA of 2 October 2019 will be treated?

THE PATH FROM HERE

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  - o <https://apc01.safelinks.protection.outlook.com/?url=https%3A%2F%2Ffyi.org.nz%2Frequest%2F11356-vuw-records-mentioning-scientists-dr-ronan-connolly-and-or-michael-connolly-and-or-christopher-monckton&data=02%7C01%7Coiarequests%40vuw.ac.nz%7C8839e36039c74b74a1e908d77c373da3%7Ccf63e236951427e8683bb84dcf1d20c%7C0%7C0%7C637114449025741561&reserved=0>
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oia&data=02%7C01%7Coiarequests%40vuw.ac.nz%7C8839e36039c74b74a1e908d77c373da3%7Ccf63e236951427e8683bb84dcf1d20c%7C0%7C0%7C637114449025741561&sdata=C4iM6xXE%2Blk7MsLkOo97bUxavyWzflGD5P%2FAU%2Bd4ylw%3D&reserved=0 and my summary letter in that OIA trail at the link of 9 December 2019

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Yours sincerely,

Chris Johnston

-----Original Message-----

Please find the attached response to your request for information.

Ngā mihi nui

Georgia Tawharu

Adviser, Information Access & Copyright

Legal Services

Te Herenga Waka—Victoria University of Wellington

+-----+  
|Phone +64 4 463 |  
5249

[[1]<https://apc01.safelinks.protection.outlook.com/?url=www.wgtn.ac.nz&data=02%7C01%7Coiarequests%40vuw.ac.nz%7C8839e36039c74b74a1e908d77c373da3%7Ccf63e236951427e8683bb84dcf1d20c%7C0%7C0%7C637114449025751559&sdata=mRyoaT%2FUj%2FQ%2FLiKVg5jU18txUI9LQF%2B7EOGbBryo65s%3D&reserved=0> | |  
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## References

### Visible links

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## Georgia Tawharu

---

**From:** Georgia Tawharu on behalf of OIA Requests  
**Sent:** Thursday, 19 December 2019 2:48 PM  
**To:** Chris Johnston  
**Subject:** RE: Official Information request - VUW: Records mentioning scientists Dr Ned Nikolov and/or Dr Karl Zeller and/or Dr Roy Spencer

Kia ora Chris

As stated in my email of 6 November 2019, the University has not received an OIA request relating to Dr Ned Nikolov, Dr Karl Zeller, and Dr Roy Spencer.

The only correspondence the University holds on this matter is as follows:

- Your email of 5 November 2019 asking if the University had received an OIA request relating to Dr Ned Nikolov, Dr Karl Zeller, and Dr Roy Spencer;
- My response of 6 November 2019 confirming that the University had not received an OIA request relating to Dr Ned Nikolov, Dr Karl Zeller, and Dr Roy Spencer;
- Your email of 9 December 2019 asking for the University to confirm receipt of an OIA request relating to Dr Ned Nikolov, Dr Karl Zeller, and Dr Roy Spencer, and confirmation of the expected date of response.

If you wish to make an OIA request relating to Dr Ned Nikolov, Dr Karl Zeller, and Dr Roy Spencer, let us know. Please provide details of the information you wish to receive, and the University will consider this as a new OIA request.

Ngā mihi nui

**Georgia Tawharu**  
Adviser, Information Access & Copyright  
Legal Services  
Te Herenga Waka—Victoria University of Wellington

Phone +64 4 463 5249  
[www.wgtn.ac.nz](http://www.wgtn.ac.nz) | 0800 04 04 04



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-----Original Message-----

From: Chris Johnston <fyi-request-11355-xxxxxxx@xxxxxxx.xxx.xxx.xx>  
Sent: Monday, 9 December 2019 11:51 AM  
To: OIA Requests <oiarequxxx@xxx.xx.xx>  
Subject: RE: Official Information request - VUW: Records mentioning scientists Dr Ned Nikolov and/or Dr Karl Zeller and/or Dr Roy Spencer

Dear OIA Requests,

I would like to confirm that this OIA has been received and is being actioned by VUW.

Can you also please confirm the date that you expect to reply?

Yours sincerely,

Chris Johnston

-----Original Message-----

Kia ora Chris

The University has not received an OIA request relating to Dr Ned Nikolov, Dr Karl Zeller, Dr Roy Spencer.

Ngâ mihi nui

Georgia Tawharu

Adviser, Information Access and Copyright – Legal Services

Victoria University of Wellington | Te Whare Wânanga o te Ūpoko o te Ika a Mâui

Phone: 04 463 5249

Room 213, Hunter Building

Gate 2 Kelburn Parade PO Box 600, Wellington 6140, New Zealand

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Kia ora Chris

The University is closed from today and will reopen at 8am on the 6th of January 2020. We will respond to your email as soon as we can.

Ngā mihi nui

**Georgia Tawharu**  
Adviser, Information Access & Copyright  
Legal Services  
Te Herenga Waka—Victoria University of Wellington

Phone +64 4 463 5249  
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427e8683bb84dcf1d20c%7C0%7C0%7C637114440250422770&data=xzsybgz9Ow%2B6divXG%2B%2Be9Y1MfbDjpQbaHJ2gQ9oENTQ%3D&reserved=0 below:

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- 3 December 2019 – VUW concludes after 5 weeks (including an extension) that it takes 20 minutes per search to count documents in SharePoint/O365.

In order to provide some credibility to the 20-minute estimate VUW needs to provide a description of the process/steps followed to undertake their search. For example, is this human effort or computer run time, and can any "computer run time" be run in parallel?

CONSULTATION 1) Describe the process/steps followed to undertake the requested search to estimate the number of documents for a single cell in the grid that justifies "20 minutes per search" [Effort] CONSULTATION 2) Describe the total amount of time in total that is reasonable to respond to an OIA that would not attract a charge from VUW. [Time Budget].

PROPOSAL 1) Where we can agree [Effort] we will calculate [Time Budget] by [Effort] and arrive at a "number of cells to be searched" for triage purposes. My proposal is 3 hours total, which even at 20 mins per search this would provide us with 9 searches per OIA (3 hours/20 mins). I would select the combinations to search and redefine the grid.

ORIGINAL OIA of 2 OCTOBER 2019

VUW has also not responded to the questions posed in my communication of the 5 November 2019 about the logic used in declining the request. On 13 November 2019 VUW said that it was [re]considering its position. [My annotation].

CONSULTATION 3) Has VUW changed its mind on how the original OIA of 2 October 2019 will be treated?

THE PATH FROM HERE

When taken in the whole, it seems that:

- Both of the following OIAs with VUW are affected – both significantly overdue:
  - o <https://apc01.safelinks.protection.outlook.com/?url=https%3A%2F%2Ffyi.org.nz%2Frequest%2F11357-vuw-records-mentioning-scientist-patrick-frank&data=02%7C01%7Coiarequests%40vuw.ac.nz%7C23853095e4eb4ff1797908d77c35326f%7Ccfe63e236951427e8683bb84dcf1d20c%7C0%7C0%7C637114440250422770&data=r8qIGUefcdarUjYLpiZHW5jir3NsrBtClKWLpj5EG7I%3D&reserved=0>
  - o <https://apc01.safelinks.protection.outlook.com/?url=https%3A%2F%2Ffyi.org.nz%2Frequest%2F11356-vuw-records-mentioning-scientists-dr-ronan-conolly-and-or-michael-conolly-and-or-christopher->

monckton&data=02%7C01%7Coiarequests%40vuw.ac.nz%7C23853095e4eb4ff1797908d77c35326f%7Ccf63e236951427e8683bb84dcf1d20c%7C0%7C0%7C637114440250422770&data=NKb1iizHwCFZFc%2FDz6xY0z44BG8%2B%2BpZ%2BcCwAIGTQ74%3D&reserved=0

- It would be simpler and cheaper to revisit the original OIAs in their original form now that there is greater clarity on VUW's self-acknowledged obligations and the awareness of its staff.

- o All academic staff in VUW are clearly briefed that the information they create is subject to the OIA

- o The argument of "free and frank" expression has thus fallen away.

- o See IRM Booklet.pdf in

<https://apc01.safelinks.protection.outlook.com/?url=https%3A%2F%2Ffyi.org.nz%2Frequest%2F11558-vuw-evidence-of-ability-to-comply-with-the-public-records-act-and-the-oia&data=02%7C01%7Coiarequests%40vuw.ac.nz%7C23853095e4eb4ff1797908d77c35326f%7Ccf63e236951427e8683bb84dcf1d20c%7C0%7C0%7C637114440250422770&data=xzsybgz9Ow%2B6divXG%2B%2Be9Y1MfbDjpQbaHJ2gQ9oENtQ%3D&reserved=0> and my summary letter in that OIA trail at the link of 9 December 2019

- I need answers to CONSULTATION 1, 2 and 3 above.

- In the meantime, and without prejudice to continuing this process directly with VUW, I will be forwarding this OIA and the other associated ones to the Ombudsman for their input and guidance.

I note that the following OIA with VUW is also underway and may encounter similar debates, issues and delays:

- o <https://apc01.safelinks.protection.outlook.com/?url=https%3A%2F%2Ffyi.org.nz%2Frequest%2F11355-vuw-records-mentioning-scientists-dr-ned-nikolov-and-or-dr-karl-zeller-and-or-dr-roy-spencer&data=02%7C01%7Coiarequests%40vuw.ac.nz%7C23853095e4eb4ff1797908d77c35326f%7Ccf63e236951427e8683bb84dcf1d20c%7C0%7C0%7C637114440250422770&data=LxNFilmIOBe0rzz8lNooU9hCnQB7VFVSXjNiYbOAolo%3D&reserved=0>

Yours sincerely,

Chris Johnston

-----Original Message-----

Please find the attached response to your request for information.

Ngā mihi nui

Georgia Tawharu

Adviser, Information Access & Copyright

Legal Services

Te Herenga Waka—Victoria University of Wellington

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[1]<https://apc01.safelinks.protection.outlook.com/?url=www.wgtn.ac.nz&data=02%7C01%7Coiarequests%40vuw.ac.nz%7C23853095e4eb4ff1797908d77c35326f%7Ccf63e236951427e8683bb84dcf1d20c%7C0%7C0%7C637114440250422770&data=yN%2FX1SSXQnvvXygz8hZFg0%2FmUJROsBf8gbsPBVMYTV8%3D&reserved=0> |

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## References

### Visible links

1. <http://www.victoria.ac.nz/>  
<http://www.victoria.ac.nz/>

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Please use this email address for all replies to this request:  
[fyi-request-11357-12c9e3b1@requests.fyi.org.nz](mailto:fyi-request-11357-12c9e3b1@requests.fyi.org.nz)

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<https://apc01.safelinks.protection.outlook.com/?url=https%3A%2F%2Ffyi.org.nz%2Fhelp%2Fofficers&data=02%7C01%7Coiarequests%40vuw.ac.nz%7C23853095e4eb4ff1797908d77c35326f%7Ccf63e236951427e8683bb84dcf1d20c%7C0%7C0%7C637114440250422770&reserved=0>

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## Georgia Tawharu

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**From:** Georgia Tawharu on behalf of OIA Requests  
**Sent:** Thursday, 19 December 2019 2:48 PM  
**To:** Chris Johnston  
**Subject:** RE: Official Information request - VUW: Records mentioning scientists Dr Ronan Connolly and/or Michael Connolly and/or Christopher Monckton

Kia ora Chris

The University is closed from today and will reopen at 8am on the 6th of January 2020. We will respond to your email as soon as we can.

Ngā mihi nui

**Georgia Tawharu**  
Adviser, Information Access & Copyright  
Legal Services  
Te Herenga Waka—Victoria University of Wellington

Phone +64 4 463 5249  
[www.wgtn.ac.nz](http://www.wgtn.ac.nz) | 0800 04 04 04



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-----Original Message-----

**From:** Chris Johnston <fyi-request-11356-60ae4bc0@requests.fyi.org.nz>  
**Sent:** Monday, 9 December 2019 12:35 PM  
**To:** OIA Requests <oiarequxxxx@xxx.xx.xx>  
**Subject:** RE: Official Information request - VUW: Records mentioning scientists Dr Ronan Connolly and/or Michael Connolly and/or Christopher Monckton

Dear OIA Requests,

Thanks for your estimate of the effort required to meet the record count triage request that helps VUW and myself:

- 1) Understand whether the counts are sufficient in their own right to answer my question (e.g. a zero count might), and/or
- 2) Whether the original OIA request can be answered because the number of documents involved is low – and therefore any effort to redact etc is low.

The interim information is useful in that it outlines that there is significant information of use and puts an upper bound around the numbers. It looks like there are approx 75 documents that would need to be reviewed under the column Ronan Connolly were VUW to answer this OIA as originally requested. This is under the assumption that many of the counts of documents are the same document. Redacting 75 documents does not to me seem to be too much work.

I will regard this letter as consultation on how to best meet the need for the information I have requested. This will enable you to respond in a more immediate way than waiting for the full allocated time.

ORIGINAL OIA of 2 OCTOBER 2019

VUW has also not responded to the questions posed in my communication of the 5 November 2019 about the logic used in declining the request. On 13 November 2019 VUW said that it was [re]considering its position. [My annotation].

CONSULTATION 3) Has VUW changed its mind on how the original OIA of 2 October 2019 will be treated?

THE PATH FROM HERE

When taken in the whole, it seems that:

- Both of the following OIAs with VUW are affected – both significantly overdue:
  - o <https://apc01.safelinks.protection.outlook.com/?url=https%3A%2F%2Ffyi.org.nz%2Frequest%2F11357-vuw-records-mentioning-scientist-patrick-frank&data=02%7C01%7Coiarequests%40vuw.ac.nz%7C8839e36039c74b74a1e908d77c373da3%7Ccf63e236951427e8683bb84dcf1d20c%7C0%7C0%7C637114449025741561&odata=u%2BnRG%2FYMP%2Bq9XzLXepTQbtbVTmNPd5rxxj9cN5ntMPI%3D&reserved=0>
  - o <https://apc01.safelinks.protection.outlook.com/?url=https%3A%2F%2Ffyi.org.nz%2Frequest%2F11356-vuw-records-mentioning-scientists-dr-ronan-connelly-and-or-michael-connelly-and-or-christopher-monckton&data=02%7C01%7Coiarequests%40vuw.ac.nz%7C8839e36039c74b74a1e908d77c373da3%7Ccf63e236951427e8683bb84dcf1d20c%7C0%7C0%7C637114449025741561&odata=AiaaSSWBiFiRBMMI%2FO4895ilE1NBUuSr9%2FgZ1GR5ZtU%3D&reserved=0>
- It would be simpler and cheaper to revisit the original OIAs in their original form now that there is greater clarity on VUW's self-acknowledged obligations and the awareness of its staff.
  - o All academic staff in VUW are clearly briefed that the information they create is subject to the OIA
  - o The argument of "free and frank" expression has thus fallen away.
  - o See IRM Booklet.pdf in <https://apc01.safelinks.protection.outlook.com/?url=https%3A%2F%2Ffyi.org.nz%2Frequest%2F11558-vuw-evidence-of-ability-to-comply-with-the-public-records-act-and-the-oia&data=02%7C01%7Coiarequests%40vuw.ac.nz%7C8839e36039c74b74a1e908d77c373da3%7Ccf63e236951427e8683bb84dcf1d20c%7C0%7C0%7C637114449025741561&odata=C4iM6xXE%2Blk7MsLkOo97bUxavyWzflGD5P%2FAU%2Bd4ylw%3D&reserved=0> and my summary letter in that OIA trail at the link of 9 December 2019
- In the meantime, and without prejudice to continuing this process directly with VUW, I will be forwarding this OIA and the other associated ones to the Ombudsman for their input and guidance.

I note that the following OIA with VUW is also underway and may encounter similar debates, issues and delays:

- o <https://apc01.safelinks.protection.outlook.com/?url=https%3A%2F%2Ffyi.org.nz%2Frequest%2F11355-vuw-records-mentioning-scientists-dr-ned-nikolov-and-or-dr-karl-zeller-and-or-dr-roy-spencer&data=02%7C01%7Coiarequests%40vuw.ac.nz%7C8839e36039c74b74a1e908d77c373da3%7Ccf63e236951427e8683bb84dcf1d20c%7C0%7C0%7C637114449025751559&odata=Yk45PHtdHn4tCkk4Cr4NLnS9yvie8y6qCzNEriZvIEc%3D&reserved=0>

Yours sincerely,

Chris Johnston

-----Original Message-----

Please find the attached response to your request for information.

Ngā mihi nui

Georgia Tawharu

Adviser, Information Access & Copyright

Legal Services

Te Herenga Waka—Victoria University of Wellington

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|[1]https://apc01.safelinks.protection.outlook.com/?url=www.wgtn.ac.nz&data=02%7C01%7Coiarequests%40
vuw.ac.nz%7C8839e36039c74b74a1e908d77c373da3%7Ccf63e236951427e8683bb84dcf1d20c%7C0%7C0%7C637
114449025751559&sdata=mRyoaT%2FUj%2FQ%2FLiKVg5jU18txUI9LQF%2B7EOGbBryo65s%3D&reserved
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References

Visible links

1. <http://www.victoria.ac.nz/>  
<http://www.victoria.ac.nz/>

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## Georgia Tawharu

---

**From:** Chris Johnston <fyi-request-@iitb>  
**Sent:** Sunday, 5 January 2020 10:28 PM  
**To:** OIA Requests  
**Subject:** RE: Official Information request - VUW: Records mentioning scientists Dr Ned Nikolov and/or Dr Karl Zeller and/or Dr Roy Spencer

Dear OIA Requests,

Thank you for your reply of 19 December 2019.

It is perplexing that VUW believes that it has not received a request of the following OIA logged on fyi.org.nz Maybe a spam filter or similar? The OIA record and history of communication is listed at the link below:

<https://apc01.safelinks.protection.outlook.com/?url=https%3A%2F%2Ffyi.org.nz%2Frequest%2F11355-vuw-records-mentioning-scientists-dr-ned-nikolov-and-or-dr-karl-zeller-and-or-dr-roy-spencer&data=02%7C01%7Coiarequests%40vuw.ac.nz%7C51790afd37ee4832224808d791c1823d%7Cffe63e236951427e8683bb84dcf1d20c%7C0%7C1%7C637138132664405888&sd=Hx2iT0IlgNKHBke8gJwZBD4qJQz6H5nBDInhkQqyQXnY%3D&reserved=0>

I will send the original text again next, and then a follow up email to ask whether you have received these first two emails – so a total of 3 emails – all sent on 5 January 2020.

Yours sincerely,

Chris Johnston

-----Original Message-----

Kia ora Chris

As stated in my email of 6 November 2019, the University has not received an OIA request relating to Dr Ned Nikolov, Dr Karl Zeller, and Dr Roy Spencer.

The only correspondence the University holds on this matter is as follows:

- Your email of 5 November 2019 asking if the University had received an OIA request relating to Dr Ned Nikolov, Dr Karl Zeller, and Dr Roy Spencer;
- My response of 6 November 2019 confirming that the University had not received an OIA request relating to Dr Ned Nikolov, Dr Karl Zeller, and Dr Roy Spencer;
- Your email of 9 December 2019 asking for the University to confirm receipt of an OIA request relating to Dr Ned Nikolov, Dr Karl Zeller, and Dr Roy Spencer, and confirmation of the expected date of response.

If you wish to make an OIA request relating to Dr Ned Nikolov, Dr Karl Zeller, and Dr Roy Spencer, let us know. Please provide details of the information you wish to receive, and the University will consider this as a new OIA request.

Ngā mihi nui

Georgia Tawharu

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[[1]<https://apc01.safelinks.protection.outlook.com/?url=www.wgtn.ac.nz&data=02%7C01%7Coiarequests%40vuw.ac.nz%7C51790afd37ee4832224808d791c1823d%7Ccf63e236951427e8683bb84dcf1d20c%7C0%7C1%7C637138132664405888&data=RW0xvafoE2Z2BZ0ElwesyoQtDIJnqVxp24aT9tt9j4!%3D&reserved=0> | |  
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If you find this service useful as an Official Information officer, please ask your web manager to link to us from your organisation's OIA or LGOIMA page.

## Georgia Tawharu

---

**From:** Chris Johnston <fyi-request-@iim>  
**Sent:** Sunday, 5 January 2020 10:29 PM  
**To:** OIA Requests  
**Subject:** RE: Official Information request - VUW: Records mentioning scientists Dr Ned Nikolov and/or Dr Karl Zeller and/or Dr Roy Spencer

**Categories:** Green

Dear OIA Requests,

This OIA has had trouble being emailed to you – we will see whether this is successful. This is the second of 3 emails sent on 5 January 2020.

Please provide any information/records (including but not limited to internal/external: documents, emails, notes, minutes, text messages, or social media messages) mentioning scientists Dr Ned Nikolov and/or Dr Karl Zeller and/or Dr Roy Spencer as mentioned in the links below.

For context - so that you can correctly identify the individuals - some links relevant to their work are mentioned in the links below.

1) 2017 Peer Reviewed and Published Paper Describing How Earth's Long Term Average Temperature can be estimated from NASA data on other planets without referencing the composition of Earth's atmosphere. That is, the finding is that CO2 does not have an impact on the long term average temperature of Earth.

Links to copies of the paper are provided below (multiple in case one link breaks):

[https://apc01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.researchgate.net%2Fpublication%2F317570648\\_New\\_Insights\\_on\\_the\\_Physical\\_Nature\\_of\\_the\\_Atmospheric\\_Greenhouse\\_Effect\\_Deduced\\_from\\_an\\_Empirical\\_Planetary\\_Temperature\\_Model&data=02%7C01%7Coiarequests%40vuw.ac.nz%7Ca6ebed96fb4d47753a2108d791c1be71%7Ccf63e236951427e8683bb84dcf1d20c%7C0%7C1%7C637138133668342260&data=UJrs2rU64t4zE1%2BIXnA4NwfAixl4SAi3rukdpPeepcM%3D&reserved=0](https://apc01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.researchgate.net%2Fpublication%2F317570648_New_Insights_on_the_Physical_Nature_of_the_Atmospheric_Greenhouse_Effect_Deduced_from_an_Empirical_Planetary_Temperature_Model&data=02%7C01%7Coiarequests%40vuw.ac.nz%7Ca6ebed96fb4d47753a2108d791c1be71%7Ccf63e236951427e8683bb84dcf1d20c%7C0%7C1%7C637138133668342260&data=UJrs2rU64t4zE1%2BIXnA4NwfAixl4SAi3rukdpPeepcM%3D&reserved=0)

<https://apc01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.semanticscholar.org%2Fpaper%2FNew-Insights-on-the-Physical-Nature-of-the-Effect-Nikolov-Zeller%2Fbdddadcd85b73526f261abc74dab952913881837f&data=02%7C01%7Coiarequests%40vuw.ac.nz%7Ca6ebed96fb4d47753a2108d791c1be71%7Ccf63e236951427e8683bb84dcf1d20c%7C0%7C1%7C637138133668352258&data=98yhUU0e9bZ3r5%2FWODzlhPuwASfSYKTOFwbSh%2Fmxh4%3D&reserved=0>

<https://apc01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.scribd.com%2Fdocument%2F413616846%2FNew-Insights-on-the-Physical-Nature-of-the-Atmospheric-Greenhouse-Effect-Deduced-From-an-Empirical-Planetary-Temperature-Model&data=02%7C01%7Coiarequests%40vuw.ac.nz%7Ca6ebed96fb4d47753a2108d791c1be71%7Ccf63e236951427e8683bb84dcf1d20c%7C0%7C1%7C637138133668352258&data=sqnsHnyc0m5Zmv%2BibGYtuffHji0lMs%2Bp4gPYT1kkWUA%3D&reserved=0>

2) Blog reply by Ned Nikolov in response to a critique by Dr Roy Spencer

<https://apc01.safelinks.protection.outlook.com/?url=https%3A%2F%2Ftallbloke.wordpress.com%2F2019%2F01%2F17%2Fnikolov-zeller-reply-to-dr-roy-spencers-blog-article%2F&data=02%7C01%7Coiarequests%40vuw.ac.nz%7Ca6ebed96fb4d47753a2108d791c1be71%7Ccf63e236951427e8683bb84dcf1d20c%7C0%7C1%7C637138133668352258&data=Nu9DreUvZs%2BMvIAjEnQg0o7%2BeonMH%2Fdv680lCbwrPg%3D&reserved=0>

Since previous attempts at communicating through this channel have failed, I will send a subsequent email with minimal text and no links to:

- a) Confirm that you have received the first two and
- b) Provide a time stamp so that you can search in a spam filter or similar for emails sent about the same time.

Please provide an acknowledgement of receipt.

Yours sincerely,

Chris Johnston

-----Original Message-----

Kia ora Chris

As stated in my email of 6 November 2019, the University has not received an OIA request relating to Dr Ned Nikolov, Dr Karl Zeller, and Dr Roy Spencer.

The only correspondence the University holds on this matter is as follows:

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Ngā mihi nui

Georgia Tawharu

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[[1]https://apc01.safelinks.protection.outlook.com/?url=www.wgtn.ac.nz&data=02%7C01%7Coiarequests%40vuw.ac.nz%7Ca6ebed96fb4d47753a2108d791c1be71%7Ccf63e236951427e8683bb84dcf1d20c%7C0%7C1%7C637138133668352258&sdata=TqcbIXfNSwQTdCs76AuHVd2FUMBXMZx%2Btw5Q%2BzWxG3M%3D&reserved=0 ||  
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