

In reply please quote CRM number: COP002856  
Or ask for Simon Weston



30 January 2020

Mr M Montgomery

Email: [fyi-request-11931-30afe9ba@requests.fyi.org.nz](mailto:fyi-request-11931-30afe9ba@requests.fyi.org.nz)

Dear Mr Montgomery,

***Request for Information Under the Local Government Official Information and Meetings Act 1987***

I refer to your request of 24 December 2019 to Council for:

1. Copies of the draft and final copies of the report known as the Dyhrberg report ("Request 1"); and
2. A breakdown of the internal and external costs for the scoping, preparation, any reviews including legal advice, distribution and reviews for the release of all requests for the Dyhrberg report ("Request 2");

**Request 1**

Council has determined to refuse your Request 1. It is not prepared to disclose the report it has received. The reasons for withholding this official information are to:

- (i) protect the privacy of natural persons – S.7(2)(a) Local Government Official Information and Meetings Act 1987 ("LGOIMA 87");
- (ii) protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person ... who was the subject of the information – S.7(2)(b)(ii) LGOIMA 87;
- (iii) maintain the effective conduct of public affairs through:
  - (a) the free and frank expressions of opinions by or between or to members or officers or employees of Council – S.7(2)(f)(i) LGOIMA 87; or

- (b) the protection of members, officers, employees and persons from improper pressure or harassment – S.7(2)(f)(ii) LGOIMA 87;
- (iv) maintain legal professional privilege – S.7(2)(g) LGOIMA 87.

## **Request 2**

Council cannot provide a breakdown of internal costs as staff dealing with these matters do not time record so there is no means by which a breakdown of internal costs can be provided.

Council's costs for external legal advice are approximately \$87,344.04. The reason for that sum being approximate only is that one account received from Thomson Wilson covered not only matters relating to a review of requests for the release of the Dyhrberg report but also other related matters which were not specifically in relation to the requests for release of information under the Local Government Official Information Meetings Act.

## **Right of Review**

If you believe Council has not responded appropriately to your request you have the right by way of complaint under Section 27(3) LGOIMA 87 to apply to the Ombudsman to seek an investigation and review of this decision.

Yours faithfully

A handwritten signature in black ink, appearing to be 'S. Weston', written over a horizontal line.

Simon Weston  
**General Manager Infrastructure**