

27 May 2022

Andrew Ecclestone
Deputy Chair
New Zealand Council for Civil Liberties
fyi-request-19254-d3ac8183@requests.fyi.org.nz

Tēnā koe Andrew,

Official Information Act (OIA) request: Statistics NZ information on interactions with Customs and NZSIS re: data issues

Thank you for your email of 2 May 2022 requesting the following information under the Official Information Act 1982 (the Act):

On 12 April 2022, the department refused the Council's request of 8 February 2022 (correspondence for which can be found here: <https://fyi.org.nz/request/18491-stats-nz-discussion-paper-regarding-the-dimensions-of-security-vs-transparency#incoming-72316>).

Please provide the Council with the following information:

- 1. A list of all email communications to and from any Statistics New Zealand employee, secondee or contractor and any Customs New Zealand employee, secondee or contractor for the period 1 May 2018 – 30 April 2022. This list should include the sent or received date, the email account it was sent from or received by, the subject line and the filenames of any documents attached to the email. Under section 16 of the OIA, our preferred means of receiving this information is in tabular form in spreadsheet or CSV format.*
- 2. The contents of all emails identified by Statistics NZ in the list generated when responding to item 1 above that relate to the following topics:*
 - a. Data sharing*
 - b. Data ethics*
 - c. Data security*
 - d. Transparency*
 - e. Data governance*
 - f. Data management*
 - g. The writing or circulation of advice, a paper, memo or guidance on 'security vs transparency'*
- 3. The attachments to any of the emails meeting the criteria identified in items 1 and 2 above.*
- 4. All email communications received by any Statistics NZ employee, secondee or contractor from an employee, secondee or contractor of the NZ Security Intelligence*

info@stats.govt.nz
toll-free 0508 525 525
stats.govt.nz

HP House
8 Gilmer Terrace
PO Box 2922
Wellington 6140

Service in the period 1 April 2019 to 30 April 2022 relating to any of the terms identified in item 2 above.

5. *All notes or other written material held by Statistics NZ of meetings any of its employees, secondees or contractors have had with any employees, secondees or contractors of the NZ Security Intelligence Service for the period 1 April 2019 to 30 April 2022 relating to any of the terms identified in item 2 above. All records of how the department searched for the information requested by the Council on 8 February 2022. This includes search terms used when querying information and records management systems including the department's email system, the names of the systems searched, the email accounts searched, the officials from whom information was sought, and the information the department provided to Customs New Zealand as part of its efforts to locate the information requested by the Council.*

Due to the substantial amount of work that would be required to research and collate the information you have requested, we are refusing your request under section 18(f) of the OIA.

We consulted with you as required by section 18B of the OIA. Stats NZ sent two emails, one on 6 May 2022 and the second on 24 May 2022, regarding refinement of the scope of the OIA request but received no further refinement from you.

As per Stats NZ's email to you on 6 May 2022, a search of emails between Stats NZ and Customs NZ for the period 1 May 2018 – 30 April 2022 returned over 60,000 emails. The search tool Stats NZ uses does not provide the filenames of any documents attached to the emails. In order for Stats NZ to provide you with the information requested in *Item 1*, a Stats NZ staff member will need to sight all the information that will be collated for producing the spreadsheet, then go into each individual identified email, which has an attachment/s to collate that information then add it to the spreadsheet. This will have to be done twice; once for email communication between Stats NZ and Customs NZ, and then a second time for email communication between Stats NZ and NZSIS.

Furthermore, each email produced for *Item 2* will need to be sighted; this is necessary to determine the scope of the request. Stats NZ carried out a sample exercise using the topics, as search terms, and emails were randomly sampled from the list and were found to have content that was not relevant to the scope of the request.

Currently, four Stats NZ staff have been diverted from their original work to be involved in the research and collation required to determine the preliminary scope of this request. We do not consider charging you for this request to be a helpful solution because this work could not be done or backfilled by temporary staff; it can only be carried out by staff involved with the process who would be suitably familiar with the information you have requested.

Stats NZ's ability to continue standard operations would hence be impaired, and we consider this to be an inefficient use of resources. We also do not believe an extension to the timeframe for this request would reduce the impact on our staff, who would need to perform the extensive research and collation.

You have the right to seek an investigation and review by the Ombudsman of this decision. Information about how to make a complaint is available at www.ombudsman.parliament.nz or freephone 0800 802 602.

info@stats.govt.nz
toll-free 0508 525 525
stats.govt.nz

HP House
8 Gilmer Terrace
PO Box 2922
Wellington 6140

Please note that it is our policy to proactively release our responses to official information requests where possible. This letter, with your personal details removed, will be published on the Stats NZ website. Publishing responses creates greater openness and transparency of government decision-making and helps better inform public understanding of the reasons for decisions.

Ngā mihi nui

A handwritten signature in black ink, consisting of a stylized initial 'K' followed by a long horizontal line that tapers to a point on the right.

Kate Satterthwaite
Senior Manager, Executive and Government Relations
Office of the Chief Executive
Stats NZ