

Hon Dr David Clark

MP for Dunedin

Minister of Commerce and Consumer Affairs
Minister for the Digital Economy and Communications
Minister for State Owned Enterprises
Minister of Statistics
Minister Responsible for the Earthquake Commission



Jonathan Brewer

Email: fyi-request-19294-f7158e1b@requests.fyi.org.nz

DC-42-2022

Dear Mr Brewer,

I refer to the email of 31 May 2022 my office received from the Ministry of Business, Innovation and Employment, transferring your request for the following information under the Official Information Act 1982 (the Act):

Please release a copy of the cabinet paper "Allocation of 3.5 GHz spectrum to support the rollout of 5G and the advancement of rural connectivity".

Please find the document entitled *Allocation of 3.5 GHz spectrum to support the rollout of 5G and the advancement of rural connectivity* attached. Please note that some information from within this document has been withheld under the following sections of the Act:

- 9(2)(b)(ii) to protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information;
- 9(2)(f)(iv) to maintain the constitutional conventions for the time being which protect the confidentiality of advice tendered by Ministers of the Crown and Officials;
- 9(2)(g)(i) to protect the free and frank expression of opinion; and
- 9(2)(j) to protect negotiations carried out by the Crown.

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

I trust you find this information useful. However, you have the right to seek an investigation and review by the Ombudsman of my decision to withhold information relating to this request, in accordance with section 28(3) of the Act. The relevant details can be found at: www.ombudsman.parliament.nz.

Yours sincerely,

A handwritten signature in blue ink, appearing to be 'David Clark', written in a cursive style.

Hon Dr David Clark
Minister for the Digital Economy and Communications