

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



Mr Maddison
Email: fyi-request-19429-38cd8e92@requests.fyi.org.nz

MOIA DC 39-2022

Dear Mr Maddison,

Thank you for your email of 23 May 2022, requesting under the Official Information Act 1982 (the Act), the following information (numbering added for clarity):

please can you release the following papers (including the contents of the papers):

[1] 2122-0267 ECLI update

[2] Any papers received since the beginning of January 2022 that make reference to the ECLI, including any relating to Budget 2022 and the appropriations.

MBIE has not updated the proactive release page since December 2021 so it is unclear if any paper papers have been received by you in 2022.

With regards to Part One of your request, I have identified the document entitled *Emergency Caller Location Information (ECLI) Service update and next steps (Ref 2122-0267)*. I have decided to withhold this document in full under section 9(2)(f)(iv) of the Act to maintain the constitutional conventions for the time being which protect the confidentiality of advice tendered by Ministers of the Crown and officials, as detailed in the attached Document Schedule.

With regards to Part Two of your request, two documents have been identified as containing information in scope:

- *Google indemnity notification to support the Emergency Caller Location Information (ECLI) Service (Ref 2122-2355)*
- *Digital Economy and Communications Status Report for the week ending April 2022*

I note that the *Digital Economy and Communications Status Report for the week ending April 2022* is a report that I receive regularly that provides updates on my Digital Economy and Communications portfolio from four different agencies. It is my understanding that you are requesting information that relates to, or is connected to, ECLI. Therefore, while I note that your request is for the content of papers that make reference to the ECLI, as this report covers a wide range of unconnected matters, I am providing you an extract of all relevant information connected to ECLI and consider the rest of the information within the report to be outside the scope of your request.

Please note that some information within the documentation for release has been withheld under the following sections of the Act, as detailed in the attached Document Schedule:

- 9(2)(a) to protect the privacy of natural persons;
- 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)(ba)(i) to protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information would be likely to prejudice the supply of similar information, or information from the same source, and it is in the public interest that such information should continue to be supplied;
- 9(2)(ba)(ii) to protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information would be likely to damage the public interest;
- 9(2)(d) to avoid prejudice to the substantial economic interests of New Zealand;
- 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 maintain the effective conduct of public affairs through the free and frank expression of opinions by or between or to Ministers of the Crown or members of an organisation or officers and employees of any public service agency or organisation in the course of their duty;
- 9(2)(i) to enable a Minister of the Crown or any public service agency or organisation holding the information to carry out, without prejudice or disadvantage, commercial activities;
- 9(2)(j) to enable a Minister of the Crown or any public service agency or organisation holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations); and
- 9(2)(k) to prevent the disclosure or use of official information for improper gain or improper advantage.

Document Schedule

Doc No.	Name of Document	Information withheld under sections
1	<i>Emergency Caller Location Information (ECLI) Service update and next steps (Ref 2122-0267)</i>	Withheld in full under section 9(2)(f)(iv) of the Act

2	<i>Google indemnity notification to support the Emergency Caller Location Information (ECLI) Service (Ref 2122-2355)</i>	Some information withheld under sections 9(2)(a), 9(2)(b)(ii), 9(2)(ba)(i), 9(2)(ba)(ii), 9(2)(d), 9(2)(i) and 9(2)(k).
3	<i>Extract of Digital Economy and Communications Status Report –for the week ending April 2022</i>	Some information withheld under sections 9(2)(f)(iv) and 9(2)(g)(i) of the Act

In terms of section 9 of the Act, I do not consider that the withholding of this information is outweighed by public interest considerations in making the information available.

You have the right under section 28(3) of the Act to request a review by the Ombudsman of the response to this request. The relevant details can be found at: <https://www.ombudsman.parliament.nz/>.

Yours sincerely,



Hon Dr David Clark
Minister for the Digital Economy and Communications