



**Te Tari Taiwhenua
Internal Affairs**

11 October 2022

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Email OIA@dia.govt.nz

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Nathanial Watson

fyi-request-20658-89858be7@requests.fyi.org.nz

Dear Nathanial,

Your Official Information Act 1982 request, reference OIA 22/23-0258

Thank you for your email of 25 September 2022 requesting the following under the Official Information Act 1982 (the Act):

"I would like to request a copy of the software used to calculate results in single-transferable vote (STV) local body elections.

From the information on stv.govt.nz, it is my understanding that DIA provides this software (from the site: "Votes are counted using specially developed computer software [...] The Department of Internal Affairs developed the program (called the STV calculator)").

I am specifically requesting:

- A copy of the uncompiled source code of any software that the department provides for the purpose of calculating STV election results*
- A copy of the compiled software, as it is provided to councils (or those responsible for local election result calculation)"*

In response to your first question, the STV calculator was developed in 2002 and the software development was outsourced to a private company. The Department of Internal Affairs (the Department) does not hold the uncompiled source code. This would have remained with the company that developed the software. As the Department does not hold the uncompiled source code for the STV calculator, I am refusing this part of your request under section 18(g) of the Act as the information is not held by the Department.

In response to your second question, releasing the software publicly could allow someone to commercialise the STV calculator for use in local authority elections. This would allow the entity to compete with the electoral services companies that the Department has licensed the STV calculator to without being restricted by the terms of those licenses. If a new entity wished to use the Department's STV calculator in a local authority election, it would need to enter into a license agreement with us, before it is provided with the STV calculator. Therefore, this part of your request is refused under section 9(2)(b)(ii) of the Act as making the information available would be likely to unreasonably prejudice the commercial position of the person who supplied or who is the subject of the information.

However, we would be happy to show you the STV calculator over a video conference and answer any questions that you have. Please contact Richard Hardie at richard.hardie@dia.govt.nz if you would like to proceed with this and we can arrange a suitable time.

I have attached the STV calculator certification certificate for the calculator from KPMG International Limited for your information.

You have the right, under section 28(3) of the Act, to seek an investigation and review of this decision by the Office of the Ombudsman. Information is available on the website www.ombudsman.parliament.nz. Alternatively, you can phone 0800 802 602 or email info@ombudsman.parliament.nz.

We intend to publish our response to your request on www.dia.govt.nz. This letter, with your personal details removed, will be published in its entirety. Publishing responses increases the availability of information to the public and is consistent with the Act's purpose of enabling more effective participation in the making and administration of laws and policies and promoting the accountability of Ministers and officials.

Nāku noa nā



Anita Balakrishnan
Tumuaki | Director
Ministerial, Monitoring, and Capability