



2 December 2022

Amanda Grace

By email: fyi-request-21051-36f19a6e@requests.fyi.org.nz

Dear Amanda

I refer to your information request dated 5 November 2022 made under the Official Information Act 1982 (the Act). You requested:

"I am requesting a break down of the expenditure in relation to legal advice or consultation received both externally and internally (separated in response)

Additionally I am requesting the amount of expenditure of damages awarded and for compensation matters.

I would like this broken down for what each expenditure was for – this includes: Student matters, teaching matters, and so on.

The date range I request this information for is from 1/01/2021 – 05/11/2022. I would like this broken down by a fortnightly period.

Notably, please ensure you separate the expenditure of legal advice and awarded damages / compensation. As well as what the matter was directed to."

Please see below our response to your request.

Expenditure in relation to legal advice or consultation received both externally and internally

Subject to the following comments, please see the below table which shows the University's expenditure on legal fees each year for 2021 and 2022 (until 5 November 2022):

- The University does not centrally record costs related to legal fees to the level of detail you have requested. It would require substantial manual collation by our staff to review approximately 1,000 individual payments (internally coded to "legal") to determine exactly when it was paid (in order to provide a fortnightly breakdown), and whether it was related to a student or teaching matter. This is not practically possible. We therefore decline to provide this information pursuant to section 18(f) of the Act as the information requested cannot be made available without substantial collation and research.

We considered whether extending the timeframe in which we must make a decision on your request, or fixing a charge would be appropriate – however, given how long it would take our staff to collate the information, and that it is not practically possible for these staff

members to allocate their time towards such a request, we decided that fixing a charge was not an appropriate or pragmatic solution.

We also note that several of the records we hold contain commercially sensitive information and/or personal information relating to individuals, and therefore would in any event need to be withheld under sections 9(2)(i), 9(2)(j) and 9(2)(a) of the Act accordingly.

- The University does not currently have an in-house legal function. The only internal legal costs the University incurs is the salary of a legal adviser in the Research and Enterprise Office. Detailed information related to this individual's salary are withheld pursuant to section 9(2)(a) of the Act in order to protect the privacy of natural persons. In addition, the Acting Registrar of the University has a legal practising certificate and provides legal advice and assistance. Details related to this individual's salary are also similarly withheld pursuant to section 9(2)(a) of the Act. For completeness, we also note that an external legal counsel is also currently providing the Office of the Registrar with some part-time legal assistance while the office is being reviewed. The costs relating to these services are included in the table listed below.

	2021	2022 (until 5 November)	Total
Expenditure on Legal Fees	938,090	723,991	1,662,080

Amount of expenditure of damages awarded and for compensation matters

Subject to the following comments, please see the below table which shows the University's expenditure on compensation or settlement payments each year for 2021 and 2022 (until 5 November 2022):

- Similar to the above, the University does not centrally record costs related to compensation or settlement payments to the level of detail you have requested. Compensation or settlement payments are not held separately from all other payments towards legal fees, therefore it would require substantial manual collation by our staff to review approximately 1,000 individual payments to determine whether they were towards compensation or settlement matters.

For the purposes of this response, we have limited compensation or settlement payments to those payments recorded by the Human Resources Division (for staff matters – paid as Compensation under section 123(1)(c)(i) of the Employment Relations Act 2000) and payments recorded by the Office of the Registrar and Secretary to the Council (for other matters).

- In addition, we have concerns about releasing the specific details of these payments, including exactly when the payments were made and what they were for, as this could reveal details of what are confidential matters. We therefore withhold this information pursuant to sections 9(2)(ba) (in order to protect information which is subject to an obligation of confidence), and 9(2)(a) (to protect the privacy of natural persons) of the Act.

Expenditure on Compensation or settlement payments	2021	2022 (until 5 November)	Total
Staff matters	30,000	32,750	62,750
Other matters	40,000	0	40,000

I trust that this information will be helpful and sufficient for your purposes.

In each of the above cases, we consider that good reasons exist for withholding information and this is not outweighed by other considerations which would make it desirable, in the public interest, to make the information available.

If you are not satisfied with our response to your information request, section 28(3) of the Act provides you with the right to ask an Ombudsman to investigate and review this response. However, we would welcome the opportunity to discuss any concerns with you first.

Yours sincerely



Kelsey Kennard
Official Information and Compliance Coordinator
Office of the Registrar