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27 June 2023

Cherry Nield
Cromwell

Email: c/-fyi-request-22942-28626c6a@requests.fyi.org.nz

Dear Ms Nield,

OFFICIAL INFORMATION ACT 1982 (OIA) – REQUEST FOR INFORMATION - CHRISTCHURCH INTERNATIONAL AIRPORT LIMITED (CIAL)

1. We write further to our email of 30 May 2023, acknowledging receipt of your OIA request of 29 May 2023 (made via the third party public platform fyi.org.nz) seeking the following information held by CIAL:

"any correspondence on land purchases in the Tarras area since 1 Jan 2023"

(the "**Request**").

2. For the purposes of this letter, we have assumed that your request relates to any correspondence on land purchases *by or on behalf of Christchurch International Airport Limited* in the Tarras area since 1 January 2023.
3. CIAL has, and will continue to, respond to requests for information where it is able. However, CIAL may be unable to release (and the OIA permits an organisation to withhold) requested information in certain circumstances, including where:
 - a. the requested information is subject to an obligation of confidence where the making available of the information would be likely to prejudice the supply of similar information (and it is in the public interest that such information should continue to be supplied) (s 9 (2)(ba)(i)); and/or
 - b. the withholding of such information is necessary to enable CIAL to carry out its commercial activities without prejudice or disadvantage (s 9(2)(i) OIA),

provided in each case that such withholding is not outweighed in the circumstances by the public interest in making the specific information available.

4. With respect to your Request, CIAL considers that both of the withholding grounds described above apply and we do not, in this instance, consider that there is any countervailing public interest requiring release of the requested information. CIAL is, therefore, refusing the Request. Some further context is set out below.

5. Land owned by CIAL in the Tarras Area is a matter of public record. However, correspondence in relation to the purchase of any such land is confidential and contains commercially sensitive information that has arisen out of, or has been provided in the course of, CIAL's evaluation, negotiation and/or entry into arms' length commercial transactions. As explained further below, CIAL operates in a competitive market and it is in the public interest that CIAL can maintain the highest standards of confidentiality and commercial sensitivity with those we engage with in such transactions. Further, if CIAL cannot uphold the confidentiality of such information, its supply is likely to be jeopardised and other third parties may be reluctant to engage with CIAL in commercial transactions due to the risk of public disclosure of confidential information.
6. As you may be aware, CIAL is a council-controlled trading organisation that has been specifically established to operate and manage its business as an independent commercial undertaking for the purposes of making a profit, and to follow generally accepted commercial practices and disciplines. CIAL is not a public body collecting and spending public funds. It operates as a wholly commercial, standalone entity. Due to the size and scale of those activities it is one of only three major airports in New Zealand regulated under Part 4 of the Commerce Act.
7. As an airport, CIAL has a further overriding obligation under the Airport Authorities Act 1966, and reinforced by the Civil Aviation Act 2023, to act as a commercial undertaking. It does so in a commercially competitive environment both domestically and internationally, where its competitors are not under corresponding disclosure requirements. The proposed Central Otago airport project (the **Project**) (to which the Purchase relates) is a complex commercial activity, acknowledged as being in competition with the interests of other airports within New Zealand.
8. At present CIAL is under no legal obligation to consult in relation to the Project or otherwise publicly engage. To assist public understanding of the context of the Project and CIAL's decisions, CIAL has committed to respectfully engaging with the community and proactively publishing information as it completes pieces of work which is likely to be in the public interest to receive on its dedicated Project web-site at <https://www.centralotagoairport.co.nz/>.
9. In addition to the above, we also note that the information you have requested also contains correspondence between CIAL and its lawyers which is covered by legal privilege (and which CIAL is entitled to withhold under section 9(2)(h) of the OIA).
10. We trust you understand the reasons for our decision to refuse your Request. If you require any further information or we have in some way misinterpreted your Request, please let us know.
11. You have the right to seek an investigation and review by the Ombudsman of the decisions contained in this letter. Information about how to contact the Ombudsman or make a complaint is available at www.ombudsman.parliament.nz or freephone 0800 802 602.

Yours sincerely

CIAL LEGAL TEAM

Email: legal@cial.co.nz