

J Floyd
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29 August

Dear J Floyd

OIA 22-23-67: External Recruiter Process and Contract Process

Thank you for your email of 12 June 2023 to New Zealand Trade and Enterprise (NZTE), making a request under the Official Information Act 1982 (the Act). On 10 July 2023, we extended the time for response to 7 August 2023. You requested the following information:

Further to my prior requests:

1. *When did the new contact management system noted come into place?*

Please provide the information both in absolute numbers and dollar amounts:

2. *How many contracts has Agency 6 had over the last 5 financial years (i.e. to match the \$466,709.20)?*
3. *How many of Agency 6's contracts or equivalent (e.g. emails) are in the new system?*
4. *How many of Agency 6's aren't?*
5. *How many of Agency 6's engagements does NZTE not have a record of (either a contract or the email confirming appointment)?*
6. *Of the engagements NZTE has records of, how many are a signed contract and how many have another method of appointment?*
7. *With regard to the exclusion of Agency 6's contracts from the management system, how often has each rationale been used to exclude contracts:*
 - *"highly confidential" (presumably for empty roles that are being filled that are highly confidential)? Or*
 - *"personal information" (somehow included in a contract for the appointment of a role when the role hasn't been filled yet)*
8. *Who judges the criteria for exclusion - the NZTE legal team or person engaging the contract?*
9. *Finally, which team provided the information that lead to the misstatement about contracting being provided to my previous query?*

Answers to your questions are as follows:

There is no new contract management system currently in place at NZTE. Your requests in questions 1, 3 and 4 are therefore withheld under section 18(g) of the Official Information Act because the information does not exist.

According to our financial records, there has been a total of 43 transactions between Agency 6 and NZTE over the five financial years from 2017/18 to 2021/22, totalling \$466,709.20.

However, we are unable to confirm the exact number of contracts (including signed contracts and emails) that these figures relate to (in some instances a contract may have more than one transaction attached to it).

It has become clear that the NZTE filing practices for Agency 6 needed some improvement. As a result, NZTE:

- has worked with Agency 6 to conclude a Master Services Agreement to ensure all future engagements are on the same form of contract; and
- has appropriately stored the Master Services Agreement on the Signed Contracts Register
- will conduct training with hiring managers in the Investment Team to ensure they know where and how to save contracts with Agency 6.

The decision to exclude supply contracts from the internally viewable Signed Contracts Register based on confidentiality or privacy is made on a case-by-case basis by contract owners. NZTE does not hold any records of these decisions and therefore is withholding information requested in question 7 under section 18(g) of the Official Information Act because the information does not exist.

We note that you have previously submitted Official Information Act requests on 8 November 2022, 28 January, 1 March, 31 March, 26 April and 3 May 2023 which have covered similar subject matter to this latest request. The language used and line of questioning of your requests indicate that you may have a grievance with NZTE and/or the Investment team, or some concerns about NZTE's engagement with Agency 6. If that is the case, we would welcome a more constructive engagement with you on your concerns. We remain available to meet with you, or to provide an independent third party to meet with you to discuss and resolve this.

We have made genuine attempts in good faith to provide you with the information that we hold that is relevant to your requests. If you remain concerned with this, you have the right under section 28(3) of the Act to seek an investigation and review by the Ombudsman. Information on how to make a complaint is available at <https://www.ombudsman.parliament.nz> or freephone 0800 802 602.

Yours sincerely



Melissa Trochon
Director – Board & Ministerial