

21 August 2023

Bob Jones

By email only: [fyi-request-23249-e29a26e3@requests.fyi.org.nz](mailto:fyi-request-23249-e29a26e3@requests.fyi.org.nz)

Dear Bob

### **Official Information Act #22.214 – Response – tranche one**

1. We refer to your request received on 23 June 2023 for information about the Commission’s draft data request into the Rural Connectivity Study, specifically:
  - 1.1 all internal communications within the Commerce Commission as well as any communications/discussions held with the Privacy Commissioner/Crown law/other 3rd parties involved with the RCS/inhouse counsel/legal advisers with regards to the scope of the data collection, privacy implications of collecting the data requested within the draft data request and plans to dispose of or retain the data after the completion of the RCS for any future use.
2. On 19 July 2023, the Commission extended the time limit by which we must make a decision on your request to 21 August 2023.
3. We have treated this as a request for information under the Official Information Act 1982 (OIA).

### **Our response**

4. We have decided to grant your request.
5. The Commission did not engage with the Privacy Commissioner or Crown Law for the Rural Connectivity Study (RCS). Therefore, we are declining that part of your request under section 18(e) of the OIA because the information does not exist.
6. In response to the remainder of your request, we are releasing a set of documents to you as “tranche one”. This information is listed in Appendices A-C.
7. We continue to prepare the rest of the documents for release to you. These will be sent without undue delay as “tranche two”.

*Documents*

8. The documents we are releasing to you have been split into three parts:
  - 8.1 Internal communications about the scope of the data collection (**Appendix A**)
  - 8.2 Internal communications about the privacy implications of the data collection (**Appendix B**)
  - 8.3 Communications with third parties involved in the RCS in relation to the scope of data collection and privacy implications (**Appendix C**).
9. We consider good reasons exist to withhold certain information:
  - 9.1 under section 9(2)(a) of the OIA because withholding of the information is necessary to protect the privacy of natural persons; and
  - 9.2 under section 9(2)(b)(ii) of the OIA because the withholding of the information is necessary to protect information where the making available of the information would likely unreasonably prejudice the commercial position of the person who supplied or who is the subject of the information; and
  - 9.3 under section 9(2)(h) of the OIA to maintain legal professional privilege.
10. We consider that good reasons exist for withholding certain information under section 9 and this is not outweighed by other considerations which would make it desirable, in the public interest, to make the information available (section 9(1) of the OIA).

**Further information**

11. If you are not satisfied with the Commission's response to your OIA request, section 28(3) of the OIA 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.
12. Please note the Commission will be publishing this response to your request on its website. Your personal details will be redacted from the published response.
13. Please do not hesitate to contact us at [uia@comcom.govt.nz](mailto:uia@comcom.govt.nz) if you have any questions about this request.

Yours sincerely



Chantellie Lye  
OIA and Information Coordinator

<b>Appendix A</b>			
<b>Document number</b>	<b>Date</b>	<b>Document</b>	<b>Redactions</b>
CC.00000116.0001	3 November 2022	Scoping workshop notes. Attachment to CC.00000116	No redactions
CC.00000116	9 November 2022	Email	No redactions
CC.00000287	11 April 2023 to 12 April 2023	Emails	No redactions
CC.00000029	12 April 2023 to 19 April 2023	Emails	No redactions
CC.00000245	12 April 2023 to 27 April 2023	Emails	No redactions
CC.00000052	28 April 2023	Email	No redactions
CC.00000077	2 May 2023	Email	No redactions
CC.00000077.0001	Undated	Attachment to CC.00000077	No redactions
CC.00000024	2 May 2023 to 3 May 2023	Emails	s 9(2)(h) of the OIA
CC.00000043	9 May 2023 to 12 May 2023	Emails	No redactions
CC.00000043.0001	Undated	Terms of Reference. Attachment to CC.00000043	No redactions
CC.00000065	9 May 2023 to 19 May 2023	Emails	No redactions
CC.00000056	9 May 2023 to 12 May 2023	Emails	No redactions
CC.00000056.0001	Undated	Attachment to CC.00000056	No redactions
CC.00000199	9 May 2023 to 15 May 2023	Emails	No redactions

<b>Appendix A</b>			
<b>Document number</b>	<b>Date</b>	<b>Document</b>	<b>Redactions</b>
CC.00000227	9 May 2023 to 19 May 2023	Emails	No redactions
CC.00000271	2 June 2023	Emails	No redactions
CC.00000026	8 June 2023 to 19 June 2023	Emails	No redactions
CC.00000257	8 June 2023 to 19 June 2023	Emails	No redactions
CC.00000330	20 June 2023	Emails	No redactions
CC.00000330.0001	Undated	Attachment to CC.00000330	No redactions

<b>Appendix B</b>			
<b>Document number</b>	<b>Date</b>	<b>Document</b>	<b>Redactions</b>
CC.00000013	2 June 2023	Email	No redactions
CC.00000095.0001	13 June 2023 to 26 June 2023	Emails	s 9(2)(h) of the OIA
CC.00000035	13 June 2023 to 14 June 2023	Emails	s 9(2)(h) of the OIA
CC.00000292	14 June 2023 to 15 June 2023	Emails	s 9(2)(h) of the OIA
CC.00000134	22 June 2023	Emails	s 9(2)(h) of the OIA

<b>Appendix C</b>			
<b>Document number</b>	<b>Date</b>	<b>Document</b>	<b>Redactions</b>
CC.00000008	12 May 2023	Email from Chorus	s 9(2)(a) and s 9(2)(b)(ii) of the OIA
CC.00000304	15 June 2023 to 21 June 2023	Emails between the Commission and Tuatahi First Fibre	No redactions
CC.00000215	22 June 2023 to 30 June 2023	Emails between the Commission and Uber	No redactions
CC.00000088	22 June 2023 to 3 July 2023	Emails between the Commission and Tuatahi First Fibre	No redactions
CC.00000217	29 June 2023 to 10 July 2023	Emails between the Commission and Vector	s 9(2)(a) of the OIA