

1 September 2023

Eiko Jones

Email: c/-fyi-request-23712-8c23d02f@requests.fyi.org.nz

Dear Eiko,

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

1. We write further to our email of 8 August 2023, acknowledging receipt of your email of 5 August 2023 (via the third party public platform fyi.org.nz). In that email you requested the following information pursuant to the OIA in relation to CIAL's engagement with schools referred to on the website CIAL has established for the Central Otago airport project (the **Project**):

"1. The date, time and name of school for each visit.

2. How many separate classrooms of students you met with on each visit.

3. Provide a copy of the notes, presentation, handouts or visuals you shared with the students.

*All correspondence with each school to set up these visits." (the **Request**).*

2. CIAL will provide you with the requested information where it is able. However, it is occasionally unable to release requested information if a ground (or grounds) for withholding information under the OIA applies (and CIAL will, when it receives a request, consider the applicability of the withholding grounds before making a decision on the request). By way of example, CIAL is occasionally unable to release requested information it holds if 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 that such withholding is not outweighed in the circumstances by the public interest in making the specific information available. For example, while it may be in the public interest to understand that CIAL is investigating the feasibility of establishing an airport in Central Otago and engaging with the community throughout the investigation phase, that does not mean CIAL must share every detail of its plans, analysis, work, negotiations or engagement within specific work streams.
3. 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 1986.
4. 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 Project is a complex commercial activity, acknowledged as being in competition with the interests of other airports within New Zealand.

5. The Project is currently in the engagement, validation and planning phase (which, in and of itself, is a complex commercial activity). While CIAL is under no legal obligation to consult in relation to the Project or otherwise publicly engage at present, 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 (and information on CIAL's approach to engagement can be found at its dedicated Project web-site at <https://www.centralotagoairport.co.nz/>).
6. During this phase CIAL has, to date, met with a number of different individuals, entities and organisations, including specific representatives of community groups, business groups, businesses, and local authorities, as well as undertaken visits to the following schools:

School	Date(s) of Visit(s)
Cromwell College (Cromwell)	Q2 2022
Dunstan High School (Alexandra)	Q2 2022
Mt Aspiring College – Te Kura o Tititea (Wanaka)	Q3 2021 and Q2 2022
Kaikorai Valley College (Dunedin)	Q3 2023

(the **School Visits**).

7. At each School Visit CIAL spoke to only one group of students (i.e., it did not visit separate classrooms) but it is unable to confirm how many different classrooms each group of students were from because it does not hold such information. The School Visits were not public and were, in each case, held following an invitation being extended by the respective schools to CIAL to speak to a group of their students. It is no doubt a common practice for schools to invite representatives from organisations (including commercial entities) to speak to students as part of, or to supplement, topics it covers within its broader curriculum in order to ensure students receive a range of perspectives on those topics.
8. In that context, with respect to that part of your Request seeking further details regarding:
 - a. correspondence with the relevant schools to set up the visits, CIAL is withholding the requested information under (s 9 (2)(ba)) as this correspondence is subject to an obligation of confidence and making available this information may prejudice the future supply of such information or otherwise damage the public interest (including where education providers may be reluctant to invite organisations into their schools as part of the delivery of the curriculum if their correspondence with such speakers or organisations is made public). Further, the withholding ground under section 9(2)(a) also applies to this correspondence.
 - b. copies of the notes, presentations, handouts or visuals shared with the students at each visit, CIAL requests that you provide further details with regards to the purpose of your Request so that it can reasonably assess the applicability of each of the withholding grounds under the OIA to this part of the Request before making a decision (including, without limitation, the ground set out in section 9(2)(k) of the OIA).
9. If you require any further information or we have in some way misinterpreted your requests, please let us know.
10. 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