

3 October 2023

Mike Moody

Email: c/- fyi-request-23732-25054f25@requests.fyi.org.nz

Dear Mr Moody

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

1. We write further to our email of 5 September 2023, responding to your request of 8 August 2023 (via the third party public platform fyi.org.nz) for the following information pursuant to the OIA:

"In a meeting in Wānaka, Rhys Boswell said that without international visitors, some key events would probably not take place. He specifically mentioned the Festival of Colour which takes place every two years.

Please provide:

- *The data which supports this statement, specifically in relation to the Festival of Colour;*
- *Copies of all correspondence with the Festival of Colour;*
- *Data which supports this claim in relation to all other events which form part of the analysis." (the "Request")*

2. On 5 September you responded, stating:

"I appreciate that you have taken the time to write a letter back to me, but neither your letter nor the document refer to contains anything other than broad claims and "facts". I asked for the underlying data which supports these claims/facts, and you have not provided them. Please provide the research, data, insight or studies upon which these statements were based."

3. The OIA permits an organisation to refuse to release requested information it holds if the withholding of such information is necessary to enable the organisation to carry out its commercial activities or negotiations without prejudice or disadvantage (s 9(2)(i) and s9(2)(j) 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 that does not mean CIAL must share every detail of its plans, analysis, work or negotiations within specific work streams.
4. 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.

5. 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.
6. In our earlier response to you we directed you to the Information Paper [How do visitors contribute to Central Otago wellbeing](#) (the "**Paper**") which shows that 88.3% of employment in the arts and recreation sector is sustained by visitor spending. The Paper notes this information is based on research conducted using Statistics New Zealand information. As previously noted, the Festival of Colour is an example of an activity that would fall within the arts and recreation sector.
7. Noting the information provided publicly so far in relation to the Project, CIAL considers that release of any further, non-public information may impact on CIAL's ability to carry out its commercial activities in relation to the Project without prejudice or disadvantage. Accordingly, this information is withheld under section 9(2)(j) of the OIA.
8. CIAL believes it has complied with its statutory obligations with answering your request under the OIA. Where you have requested certain information, CIAL has directed you to such information.
9. As previously outlined to you, 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