

18 January 2024

George Morrison

By email only: [fyi-request-24697-76d761c7@requests.fyi.org.nz](mailto:fyi-request-24697-76d761c7@requests.fyi.org.nz)

Dear Mr Morrison

**Official Information Act #23.108 – External Communications and Stakeholder Management Advice**

1. We refer to your request received on 9 November 2023, clarified on 29 November 2023, for information concerning communication and stakeholder management advice provided by external advisors held by the Commerce Commission (the Commission).
2. Specifically, you requested:
  - 2.1 all external communications and stakeholder management advice provided to the Commission by Senate Communications and/or any other external advisors, relating to Commission activity in the telecommunications and grocery sectors; and
  - 2.2 any internal communications relating to the advice.
3. We have treated this as a request for information under the Official Information Act 1982 (OIA).

**Background**

4. On 10 November 2023, the Commission sent an email requesting clarification concerning the timeframe for your request.
5. On 22 November 2023, the Commission sent a further email seeking to clarify your request and provide assistance to enable you to receive the information you were seeking. In that email we indicated that as your request currently stood, it was likely that the Commission would refuse your request pursuant to section 18(f) of the OIA.
6. On 29 November 2023, you responded clarifying that you would like the timeframe for the request at [2] above to be for the past 24 months.

7. On 7 December 2023, the Commission sent an additional request for clarification concerning the 'internal communications relating to the advice' you were seeking.
8. We have not received a response to our 7 December 2023 email.

### **Our response**

9. We have decided to grant your request concerning advice from external advisors at [2.1].
10. The Commission has engaged three external advisors over the period 30 November 2021 - 29 November 2023, who have provided communications and/or stakeholder management advice concerning the telecommunications and grocery sectors. Those external advisors are Martin Jenkins (MJ), SenateSHJ (Senate) and The Research Agency (TRA).
11. The information compiled for MJ and TRA is the final versions of advice that touch on external communications and/or stakeholder management for the telecommunications and grocery sectors. A list of these documents is set out in **Appendix A**. Please note the TRA Stakeholder Perceptions document is publicly available and a link is provided in the appendix.
12. The information that has been compiled for Senate relates to the Commission's Market Study into the grocery sector and establishing the Commission as the grocery regulator.
13. The Commission has previously engaged Senate SHJ to support the Commission's communications function when demand exceeded staff capacity during peak volumes of work. As Senate provided expert communications advice on standard communications activities, such as media monitoring, advice on media releases, and media training, the nature and volume of material concerning Senate relevant to your request is different to that of MJ or TRA.
14. Due to the volume of information relevant to Senate, the Commission will be providing that information within the next two weeks.
15. Please note information will be withheld from the information concerning Senate for the following reasons;
  - 15.1 To protect the privacy of natural person, in accordance with section 9(2)(a) of the OIA;
  - 15.2 To maintain the effective conduct of public affairs through the free and frank expression of opinions, in accordance with section 9(2)(g)(i) of the OIA; and
  - 15.3 To maintain legal professional privilege, in accordance with section 9(2)(h) of the OIA.

16. We consider that good reasons exist for withholding information 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).
17. In relation to your request at [2.2] for any internal communications relating to the advice, we are refusing your request pursuant to section 18(f) of the OIA. Providing this information would require substantial research and collation.

**Further information**

18. 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.
19. Please note the Commission will not be publishing this response to your request on its website. The response will be publicly available on the FYI platform.
20. Please do not hesitate to contact us at [uia@comcom.govt.nz](mailto:uia@comcom.govt.nz) if you have any questions about this response.

Yours sincerely



Chantellie Lye  
OIA and Information Coordinator

<b>Appendix A</b>			
<b>Sector</b>	<b>Date</b>	<b>Name</b>	<b>Agency</b>
Groceries	23 February 2023	Engagement framework	Martin Jenkins
Groceries	March 2023	Grocery – Draft Narrative	Martin Jenkins
Telecommunications	17 June 2022	Telco Narrative Workshop Agenda	Martin Jenkins
Telecommunications	12 July 2022	Telecommunications Narrative	Martin Jenkins
Telecommunications	August 2022	Shaping our narrative presentation	Martin Jenkins
Telecommunications	August 2022	Telecommunications Engagement Strategy	Martin Jenkins
Telecommunications	June 2023	AMR Stakeholder Meeting Paper	Martin Jenkins
Telecommunications	July 2023	AMR Stakeholder Workshop presentation – Digital Connectivity	Martin Jenkins
Telecommunications	May 2023	Commission Fielddays Stand content - Extract	Martin Jenkins
Grocery & Telecommunications	February 2023	<a href="#">Understanding Stakeholder Perceptions</a>	TRA