

24 June 2024

C182808

#cats

fyi-request-27084-850e4650@requests.fyi.org.nz

Tēnā koe

Thank you for your request of 31 May 2024 to the Department of Corrections – Ara Poutama Aotearoa, requesting information about Waikeria Prison expansion plans. Your request has been considered under the Official Information Act 1982 (OIA).

Your questions have been responded to collectively. You requested:

Under the Official Information Act, I am requesting the following information:

Financial reports and projections related to the expansion of Waikeria Prison.

Cost-benefit analyses of the expansion, including any projected savings or long-term financial impacts.

Detailed budget breakdowns for the expansion project over the next five years.

Any risk assessments or feasibility studies conducted prior to the decision to expand Waikeria Prison.

Data on the projected impact of the prison expansion on local communities and infrastructure.

Please see the attached document, Aide Memoire: Budget 2024 - 'Prisoner Population - Responding to Increasing Prisoner Numbers' initiative (B4688), which outlines the criteria to respond to the forecast prisoner population increase which informs the expansion decision at Waikeria.

While we are releasing this document to you, some information has been withheld under the following sections of the OIA:

- 9(2)(a), to protect the privacy of natural persons, including that of deceased natural persons
- 9(2)(b)(ii), to protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information

- 9(2)(f)(iv), to maintain the constitutional conventions for the time being which protect the confidentiality of advice tendered by Ministers of the Crown and officials
- 9(2)(j), to enable a Minister of the Crown or any public service agency or organisation holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).

Where a withholding ground under section 9 has been relied upon, we have considered under section 9(1) of the OIA if the public interest to make the information available outweighs the reason for withholding, including transparency and accountability. We do not believe such considerations are present in this case that outweigh the reasons for withholding outlined above.

We have consulted with the relevant parties within Corrections who have advised that Corrections is currently conducting analyses on a procurement approach to the expansion of Waikeria Prison. Once market engagement and a procurement approach has been agreed then an informed estimate of costs can be determined.

Some high-level indicative costs have been generated to support the Corrections' Budget 2024 Volume Prison Capacity Bid. We have considered the release of this information would impact our commercial position once we proceed to negotiate the final transaction.

Therefore we have decided to refuse your request for financial reports, projections and budget breakdowns under section 9(2)(j) of the OIA, to enable a Minister of the Crown or any department or organisation holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).

In accordance with section 9(1) of the OIA, we have also considered countervailing public interest relating to the release of the information, including transparency and accountability. We are satisfied that in this case, public interest considerations do not outweigh the withholding reasons outlined above.

Furthermore, you have requested documents on impacts of the prison expansion on communities and infrastructure. The documents you have requested do not exist. Therefore, this part of your request is refused under section 18(e) of the OIA, as the document alleged to contain the information requested does not exist or cannot be found.

As per section 18B of the OIA, we have considered whether consulting with you would enable the request to be made in a form that would remove the reason for the refusal. However, we do not consider that the request can be refined in this instance as the proposed expansion falls within existing designation conditions for the Waikeria development so no analyses of this nature have been required.

Please note that this response may be published on Corrections' website. Typically, responses are published quarterly or as otherwise determined. Your personal information including name and contact details will be removed for publication.

I hope this information is helpful. I encourage you to raise any concerns about this response with Corrections. Alternatively, you are advised of your right to raise any concerns with the Office of the Ombudsman. Contact details are: Office of the Ombudsman, PO Box 10152, Wellington 6143.

Ngā mihi

A handwritten signature in blue ink, consisting of a large, stylized 'A' followed by 'Turrell' in a cursive script. A long, thin horizontal line extends from the end of the signature towards the right.

Alastair Turrell
DCE Infrastructure and Digital Assets