

7 August 2024

Dayna Kennedy

By email only: fyi-request-27938-90d37988@requests.fyi.org.nz

Dear Dayna

Official Information Act #24.024 - Response

1. We refer to your request received on 6 August 2024 for information about the full details and settlement between the Commerce Commission (Commission) and Foodstuffs. You have requested:
 - 1.1 “The full details of the court proceedings and agreement/settlement reached between the Commerce Commission and Foodstuffs in June of 2024 following your commencement of proceedings against Foodstuffs in regards to "anti-competitive land covenants".
 - 1.2 You would like to know “...the reasoning behind the complete ignorance to my initial request asking for this information and why the Commerce Commission broke the law.”

Our response

2. In response to your request at [1.1], the proceeding is at pre-substantive hearing stage and has not yet been heard by the Court.
3. At this time, we are therefore withholding the terms of settlement under section 6(c) of the OIA as making the information available would prejudice the maintenance of the law, including the prevention, investigation, and detection of offences, and the right to be a fair trial.
4. In response to your query at [1.2], following receipt of your request on 6 August 2024, we checked our “junk folder” in Outlook and unfortunately found your 22 June OIA request and follow up emails on 15 July 2024 and 23 July 2024. Please accept our sincerest apologies for missing these emails and therefore the delay in responding to your request. We will follow up with our IT team to see why these three emails did not appear in the In Box.

Further information

5. 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.
6. Please do not hesitate to contact us at uia@comcom.govt.nz if you have any questions about this response.

Yours sincerely

A handwritten signature in black ink, consisting of a stylized, cursive 'L' followed by a dot.

OIA and Information Coordinator