



Office of the Prime Minister

Prime Minister

Minister for National Security and Intelligence

Minister of Tourism

Minister Responsible for Ministerial
Services

26 JUN 2015

Jackson Wood

Email: fyi-request-2833-ed5b544@requests.fyi.org.nz

Dear Jackson Wood

Official Information Act Request for Information on Panda Bears

I refer to your request of 10 June 2015 which requested under the Official Information Act the following information: *"all documents, correspondence, advice, or information you, or your office, has received on Pandas since 1 January 2010"*.

Enclosed is a copy of some email correspondence which has been identified as relevant to your request. The information consists of an email exchange from March 2011 which was copied to this Office. Some names and contact details have been withheld under section 9(2)(a) of the Official Information Act, as withholding the information is necessary *"to protect the privacy of natural persons..."* In addition, a small amount of information has been withheld under section 9(2)(j) of the Official Information Act as withholding of the information is necessary 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)."*

No public interest in releasing the withheld information has been identified that would be sufficient to override the reasons for withholding it

Also identified as being relevant to your request is an inter-departmental report to the Prime Minister from August 2010 together with a small amount of email correspondence copied to this Office. These documents have been withheld in their entirety under the following sections of the Official Information Act:

- Section 6(a) as the making available of that information would be likely *"to prejudice the security or defence of New Zealand or the international relations of the Government of New Zealand"*.
- Section 6(b)(i) as the making available of that information would be likely *"to prejudice the entrusting of information to the Government of New Zealand on a basis of confidence by- the Government of any other country or any agency of such a Government."*
- Section 9(2)(b)(ii) as withholding the information is necessary 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."*
- Section 9(2)(j) as withholding the information is necessary 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)."*

There is also some information identified as being relevant to your request contained in some briefing material provided to the Prime Minister by the Department of the Prime Minister and Cabinet (DPMC). These briefings are provided to the Prime Minister in confidence in order to support him in his role as leader of the Government and chair of Cabinet. This information is withheld under the following sections of the Official Information Act:

- Section 9(2)(f)(iv) as withholding the information is necessary to *“maintain the constitutional conventions for the time being which protect the confidentiality of advice tendered by Ministers of the Crown and officials.”*
- Section 9(2)(g)(i) as withholding the information is necessary to *“maintain the effective conduct of public affairs through the free and frank expression of opinions by or between or to Ministers of the Crown or members of an organisation or officers and employees of any department or organisation in the course of their duty.”*

I can confirm the Office of the Prime Minister has received correspondence from the general public regarding panda bears. When members of the general public write to a Minister of the Crown, it is reasonable for them to expect that they are writing to that Minister in confidence and that their correspondence would not be made available to third parties on request and, potentially, published as extracts or in full. It is in the wider public interest that members of the public are able to write to Ministers and raise issues relevant to that Minister’s portfolio responsibilities. Accordingly, I am withholding this correspondence under the following sections of the Official Information Act:

- Section 9(2)(a) as withholding the information is necessary *“to protect the privacy of natural persons, including that of deceased natural persons”*.
- Section 9(2)(ba) as withholding the information is necessary to *“protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information-*
 - (i) *would be likely to prejudice the supply of similar information, or information from the same source, and it is in the public interest that such information should continue to be supplied.*
 - (ii) *would be likely otherwise to damage the public interest.”*

There has also been some correspondence from other bodies regarding the potential location of the housing of pandas. I have deemed it necessary to withhold this information under the following sections of the Official Information Act:

- Section 9(2)(ba) as withholding the information is necessary to *“protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information-*
 - (i) *would be likely to prejudice the supply of similar information, or information from the same source, and it is in the public interest that such information should continue to be supplied.*
 - (ii) *would be likely otherwise to damage the public interest.”*
- Section 9(2)(g)(i) as withholding the information is necessary to *“maintain the effective conduct of public affairs through the free and frank expression of opinions by or between or to Ministers of the Crown or members of an organisation or officers and employees of any department or organisation in the course of their duty.”*

Also, identified are some requests made under the Official Information Act requesting similar information. We have assumed that your request had not intended to include information relating to other Official Information Act requests.

Where the information has been withheld under section 9 of the Official Information Act, no public interest in releasing the withheld information has been identified that would be sufficient to override the reasons for withholding it.

You are entitled to ask the Ombudsman to review this response under section 28(3) of the Official Information Act.

Yours sincerely


Wayne Eagleson
Chief of Staff

From:

To:

'Maarten Wevers''

CC:

Date: 17/03/2011 1:32 p.m.

Subject: RE: PANDAS

NZ Embassy in Beijing will let the panda folk in China know that we remain interested, just not for the time being. Given that the Sichuan Centre was badly affected by the Wenchuan earthquake (the pandas apparently survived a lot better than many of their keepers), they should be quite understanding.

-----Original Message-----

From:

Sent: Thursday, 17 March 2011 1:29 p.m.

To: 'Maarten Wevers';

Cc: :

Subject: RE: PANDAS

Thanks Maarten.

Senior Policy Analyst

Policy, Regulatory and Ethnic Affairs Branch The Department of Internal Affairs Te Tari Taiwhenua

Direct Dial: www.dia.govt.nz

-----Original Message-----

From: Maarten Wevers ;

Sent: Thursday, 17 March 2011 11:04 a.m.

To:

Cc: :

Subject: RE: PANDAS

For the record, I have just spoken to Karen Fifield, CEO of Wellington Zoo, to let her know that, in light of recent events and the fiscal pressures they have produced, the PM's project to investigate the possible acquisition of panda for a New Zealand zoo has had to be put on hold.

Karen understood completely.

I said that it was hoped that in perhaps a year or two, the project might be resuscitated.

. and thanked her for the effort that

had been put in - which I hoped would not in the end be wasted.

Maarten

16/03/2011

>>> 9:40 a.m. >>>

Will let you know in due course whether we see any need to unwind things with the Chinese side.

-----Original Message-----

From:

Sent: Wednesday, 16 March 2011 9:38 a.m.

To: 'Maarten Wevers';

Cc: I

Subject: RE: PANDAS

Hi Panda Team - nice working with you all too. Fully understand and had been expecting this decision. I am sure there will be a time for the pandas - just not right now.

Rebecca

-----Original Message-----

From: .
Sent: Wednesday, 16 March 2011 9:06 a.m.
To: 'Maarten Wevers';
Cc:
Subject: RE: PANDAS

Hi Maarten

Spooky, but I was thinking about the need to make a call to Karen on my way to work this morning. I think a call from you might be best. Its going to be a disappointment to them, and receiving the news with the appropriate gravity is I think would be more sensitive. However, am happy to do it if you cannot.

Its been very nice working with you (and ... and

Regards

Senior Policy Analyst
Policy, Regulatory and Ethnic Affairs Branch The Department of Internal Affairs Te Tari Taiwhenua
Direct Dial: www.dia.govt.nz

-----Original Message-----

From: Maarten Wevers ;
Sent: Tuesday, 15 March 2011 5:25 p.m.
To:
Cc: ;
Subject: PANDAS

Just to let you know that, following a short conversation with the PM just now, the panda project will be put in abeyance for a while - much more important priorities for the public purse at the moment.
- should I call Karen Fifield do you think, or will you?

Thanks for all your help to get things to this point. I suspect the file might get dusted off again in the future.

Maarten