EIIR

EXECUTIVE COUNCIL CHAMBERS

24 September 2015

Ben Moore
fyi-request-3108-dfe59cf2@requests.fyi.org.nz

Dear Mr Moore

Information request: alternative flags not published on www.flag.govt.nz
Our reference: DPMC 095-2015

1. On 1 September 2015 the Department of the Prime Minister and Cabinet received a request for information from you under the Official Information Act 1982 ("OIA"). Your request asked:

   The flag designs submitted by the public which were (for whatever reason) not accepted and displayed among the suggested flag alternatives on the Flag Consideration Panel website.

   I understand there were a number of criteria required of submissions, it would be helpful to have included the specific reason for rejection (i.e. the criteria against which a submission failed) included alongside the submissions' details, as well as any notes made pursuant to the rejection.

   For the avoidance of doubt, I am requesting the image files of rejected flag designs, as well as any supplementary details, notes or comments associated with these image files.

   To assist me with analysing your response, I also request any briefing materials or guidance around screening which was supplied to the staff responsible.

2. The Flag Consideration Panel (the Panel) used a robust process to moderate alternative flag designs. This process was based around the minimum standards in the Flag Design Guidelines (publicly available on www.flag.govt.nz). I have attached the process document that was provided to moderators, as well as images of some previous designs and design elements to support moderators' intellectual property considerations.

3. To summarise the process, in cases where the person moderating an alternative flag design thought the design did not meet the minimum standards required by the Flag Design Guidelines, a review process was triggered and a peer reviewer assessed the design before a decision was made. Those people who disagreed with the decision to not publish their design were able to seek a review, at which stage the matter was escalated to the Chairman of the Panel, Emeritus Professor John Burrows, for a final decision.

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4. A significant number of designs were suggested and not published in the gallery because they did not meet the minimum standards required by the Flag Design Guidelines. For example, people suggesting designs:

   - may not have cited the author of the design or the author of elements included in the design;
   - may have included words, photos, complex objects, or an image of a person in the design; or
   - may have suggested a design that could be considered offensive or divisive.

5. The other information you request would take a substantial amount of collation and research to compile. I accordingly decline this part of your request pursuant to section 18(f) of the OIA.

6. You are entitled to seek an investigation and review of my decision by writing to an Ombudsman as provided by section 28(3) of the Official Information Act 1982. They can be reached at:

   Office of the Ombudsman
   PO Box 10152
   Wellington 6143

Yours sincerely

Michael Webster
Clerk of the Executive Council

Flag Design Moderation Process

Introduction

1   Alternative flags will be suggested online and in hard copy from 5 May 2015. Anyone wishing to suggest a design will have been encouraged to read the Flag Design Guidelines and will be required to agree to the terms and conditions. Hard copy design suggestions will be uploaded to the website by the Flag Consideration Panel Secretariat (the Secretariat).

2   All suggestions will receive an automatic on-screen acknowledgement and will then be reviewed against the minimum standards outlined in the Flag Design Guidelines by the Secretariat.

3   The following information outlines the moderation process that the Secretariat will undertake.

Hard copy vs. soft copy

4   It is estimated that the vast majority of alternative flag designs will be received <u>online</u> by the Secretariat. This is the easiest format for the Secretariat to manage as the terms and conditions will have been agreed to.

5   Where designs have been suggested in <u>hard copy</u>, they will initially be responded to by the Secretariat asking that the design be suggested online. If online suggestion is not possible, the secretariat will also give the option for those suggesting designs to <u>agree to the terms and conditions in hard copy</u> and <u>complete the suggestion form</u> (if not already provided). The flag design guidelines will also be provided to those suggesting designs as a reference.

6   For those suggestions that remain hard copy, the Secretariat will load the design onto the website on behalf of the person that suggested it (once the terms and conditions have been agreed to and the suggestion form has been completed).

Moderation process

7   The moderation process has three steps to it:

   a) Check whether the minimum standards in the flag design guidelines have been met

   b) Check to see whether any exact duplicates exist

   c) Add any relevant tags to the design.

<u>a) Check whether the minimum standards in the flag design guidelines have been met</u>

8   The minimum standards from the guidelines are:

   • **Intellectual property** – Do not suggest a design <u>under your name</u> that you know is a copy of an existing, or someone else's, design. Also, do not include symbols, trade marks, or elements in your design that are copied from someone else or that are the intellectual or cultural property of another person or entity <u>without explaining who</u>

they belong to. Please remember that even if a particular design or symbol is on the internet, it does not mean you can copy it for your own design.

- o If you wish to recommend an existing design for consideration by the Panel, please suggest the design with clear information about who has developed the design and, if possible, how they can be contacted.

- **Offensive or divisive designs** – Flags should be a symbol of pride and unify the community they represent. For this reason, flags that are offensive to an individual or community, or that are divisive, will not be considered.

- Flag designs that include **words, photos or complex objects** will not be considered.

- Flag designs that incorporate the **image of a person** will not be considered.

9   Designs that do not meet the minimum standards will be rejected in the system pending review by a **peer reviewer** (see paragraph 13).

b) Check to see whether any exact duplicates exist

10   The online moderation tool will automatically check to see whether exact duplicates exist. If there is an exact duplicate, the moderator will merge the records as appropriate. This will update the existing record with the new suggestor information. This means that by default, the first person to suggest and provide a description for a design remains as the primary suggestor.

11   Where you wish to change the primary suggestor (for example if the actual designer suggests their design after it has already been suggested), the record should be updated in the system after merging the design.
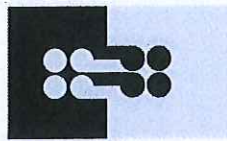
c) Add any relevant tags to the design

12   The online moderation tool will have a variety of tags that can be applied to a design (for example 'nature', 'koru', 'Southern Cross'. This will mean that designs can be easily searched on by category. Any number of tags can be applied to a design. New tags can also be created if necessary.

Peer review check for rejected designs

13   The peer reviewer has the option to either agree with the moderator and officially reject the design, or put the design back in the incoming queue for tagging.

- If the peer reviewer agrees with the initial reject assessment, they will change the status from 'Rejected Review' to 'Rejected'.

- If the peer reviewer disagrees with the initial assessment:

  - o the record will be updated to 'incoming' in the system by the peer reviewer

  - o The peer reviewer will check against duplicates

  - o The peer review will add relevant tags

Some previous designs and design elements

To support duplication checks and intellectual property considerations

Michael Symthe
(derived from Gordon Walters)

Hundertwasser
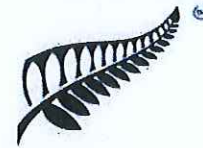
Tino Rangatiratanga

Bret de Thier

Dave Clark (All Black's logo)

Kyle Lockwood

James Dignan

NZ Way Fern (NZ Story)

United Tribes

Cameron Sanders'   Dave Clark's   Kyle Lockwood's   J Ansell & K Wang's

Mike Davison

Otis Frizzell

Lester Hall