

26 July 2017



Gael Wright

Email: [fyi-request-6100-b9693965@requests.fyi.org.nz](mailto:fyi-request-6100-b9693965@requests.fyi.org.nz)

Dear Gael

### **Official Information Act (OIA) Request**

We have received your email dated Monday 24 July 2017. We respond below to three additional comments in your response (your text in bold) which we address:

**1. Has the HRC performed internal (statistical) audits of the scores and allocations? Can they make those audits available?**

We seek clarification as to the nature of the information you are requesting above. We undertake internal audit of our processes, and we undertake a range of statistical analyses of scores and allocations. Can you confirm which of this information you are seeking? Our interpretation is that this request constitutes a new information request, and we will consider your request and provide you with our decision and a response within 20 working days and would appreciate the clarification above (18 August 2017).

**2. Perhaps the HRC could be more helpful and outline what electronic format the data are held in and explain why it would be so difficult to send the data in electronic format?**

All our data is held electronically. Depending on the exact nature of the assessment data it is held in Excel spreadsheets and our internal database. However, for the reasons outlined in our original reply to your request, we are not in a position to provide you with our complete dataset in light of the legislation noted below and our need to:

- i) 9 (2) (a) protect the privacy of natural persons,

And

- ii) 9 (2) (ba) (i): 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 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.

And

- iii) 9 (2) (g) (i) 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

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members of an organisation or officers and employees of any department or organisation in the course of their duty; or

- 3. Although parts of the Statute are copied and pasted there is no explanation as to how the requested data would meet those particular guidelines – perhaps you could elaborate on how the requested information would impact on the privacy provisions quoted? Apart from names, no personal information has been requested.**

Our interpretation of the legislation is that in providing the data requested which contains such personal information as names, we would be in breach of our responsibility to *protect the privacy of natural persons 9 (2) 9a*); undermine our ability to engage peer reviewers who are so critical to upholding the standards of peer review as making their scores available *would likely 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 9 (2) (ba) (i)*. In our view this would also limit and undermine *the effective conduct of free and frank expression of opinions 9 (2) (g) (i)*, which is such a integral aspect of scientific assessment.

As per our earlier correspondence, we would be pleased to meet with you to discuss the questions you wish to answer and explore possibilities to refine your request. Unless the request is significantly refined, we may have to refuse your request on the grounds of substantial collusion under section 18(f) of the OIA or impose a charge. HRC staff would be available to discuss the following options with you:

- a) Understanding your specific requirements, and refining the scope of your request to (for example) a particular set of information for a particular researcher or research group, or data from a panel or year and/or
- b) Reviewing the possible work involved within the scope of your refined request and therefore assisting the HRC to consider the charges it may need to assign in order to respond to your request, under sections 18A(1)(a) and 15 of the Act.

We invite you to contact us to discuss the above options with you. We will then be in a position to determine whether we need to extend the timeframe for responding to you (currently 31 July).

Please note that if we don't hear from you by Friday 28 July concerning the original request, it will be refused under section 18(f) of the Act, on the ground of substantial collusion.

Yours sincerely



**Professor Kathryn McPherson**  
Chief Executive