

4 August 2017



Gael Wright

Email: fyi-request-6100-b9693965@requests.fyi.org.nz

Dear Gael

Official Information Act (OIA) Request

The Health Research Council of New Zealand (HRC) acknowledges your email received on 2 August 2017 which states:

My request was closed on the grounds that I did not reply by July 28th. However, it is on the public record that I did send a reply on July 24th (although I did receive an out of office reply).

No one has yet to respond to my scope narrowing suggestions in that email. I suggest this request be re-opened else I will have to restart the process.

I have emailed directly previously.

The HRC responded to your 24 July correspondence on 26 July. In our reply we directly answered two of the additional three questions you posed. For the third we indicated that we were seeking further clarification as to the information you were requesting (please see below).

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

We seek further clarification as to the nature of the information you are requesting. We don't undertake statistical audit but we do undertake internal audit of our processes. Can you confirm that this is the information you are seeking? If so, our interpretation is that this constitutes a new information request. As outlined in our previous letter, we invite you to meet with us to discuss the questions that you have. Alternatively, we will consider your request and provide you with our decision and a response within 20 working days (21 August 2017).

HRC has yet to receive any clarification on this matter from you and so we have been unable to determine whether this constitutes a new information request. If it does constitute a new request, we will respond to you within 20 working days on 21 August, as outlined above.

Nothing in the content of your email correspondence on 24 July indicated that your intention was to refine the scope. Our interpretation was that you were asking for new information in your first question:

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

Again, in our letter on 31 July 2017, we re-iterated the above point:

Further to the above, you have raised the following question in your email dated 24 July 2017:

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

We undertake various statistical analyses of scores and allocations. Two examples are:

- Success rates across institutions.
- Success rates between biomedical, public health and Māori health research for the annual contestable round.

We are happy to provide you with the information of the above two examples if you can clarify with us that these are the information which you are seeking.

We provided the following response to your additional two questions on our reply dated 26 July:

- 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 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 an integral aspect of scientific assessment.

Your initial request was closed because we did not receive a refined scope from you within the timeframe outlined. We indicated in our letters dated 24 and 26 July that we would be pleased to meet with you to discuss the questions that you wish to answer and explore possibilities to refine your request.

In both letters, we invited you to contact us to discuss the following options:

- a) Understanding your specific requirements, and refining the scope of your request (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 18(1)(a) and 15 of the Act.

According to the OIA Part 2 s15(1), we have to respond to your request within 20 working days, that is 31 July 2017. As you did not respond to our request to refine your scope within the stated timeframe we have to refuse your request under section 18(f) of the OIA – as it would require substantial collation. As explained in the letter on 31 July, we have considered whether charging or extending the timeframe for responding to your request would help, as required by section 18A of the OIA. However, after careful consideration, we find that charging or extending would not help since your request as currently framed will have a great impact on the HRC's other operations.

You have the right to seek an investigation and review by the Ombudsman of this decision. Information about how to make a complaint is available at www.ombudsman.parliament.nz or Freephone 0800 802 602.

If you wish to discuss this decision with us, please feel free to email the HRC at: info@hrc.govt.nz.

Yours sincerely



Professor Kathryn McPherson
Chief Executive

