

27 July 2017

J D Sun

Email: fyi-request-6114-80e4f7b8@requests.fyi.org.nz

Dear J D Sun

Request made under the Official Information Act 1982

We refer to your email of 3 July 2017 to Maritime New Zealand, requesting the following information under the Official Information Act 1982 (OIA):

"Please could you provide a complete copy of the Standard Operating Procedures for the Maritime Radio service, and specifically and further documents that outline radio protocols and procedures that are followed by the Operators."

Maritime New Zealand has transferred your request to Kordia under section 14(b)(ii) of the OIA, because the information requested is more closely connected to the functions of Kordia. This is because Kordia is contracted to provide the maritime radio service to Maritime NZ.

Response

Some of the information requested is publically available (section 18(d) of the OIA). In order to provide reasonable assistance to you we refer you to the following:

Maritime New Zealand issues a Radio Handbook which outlines protocols and procedures for those using the service: <https://www.maritimenz.govt.nz/commercial/documents/Radio-Handbook.pdf>.

Also Maritime New Zealand issues a Safer Boating Guide: <http://www.maritimenz.govt.nz/recreational/rules/documents/Safer-Boating-an-essential-guide-2014.pdf>. Information regarding VHF radio is on page 17. You should contact Coastguard Boating Education on 0800 40 80 90 for details on how to obtain a VHF qualification and a call sign and for any training.

We also refer you to part 43 of the Maritime New Zealand rules: <https://www.maritimenz.govt.nz/rules/part-43/Part43-maritime-rule.pdf> which contains Maritime rules relating to radios.

The definitive guidance for the operation of a maritime communications service can be found in the ITU (International Telecommunication Union) Radio Regulations 2016 available publically at <http://search.itu.int/history/HistoryDigitalCollectionDocLibrary/1.43.48.en.101.pdf>. Kordia's Standard Operating Procedures for the Maritime Operations Centre have been developed by reference to ITU regulations.

Kordia's Standard Operating Procedures (SOPs) for the Maritime Operations Centre and the radio services provided from it are proprietary documents developed by Kordia. They incorporate a range of confidential material, Kordia's trade secrets and Kordia's intellectual property, and are highly commercially sensitive. It is not practicable to redact the SOPs.

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For these reasons Kordia withholds the requested information under the following sections of the OIA:

- (a) Section 9(2)(b)(i), on the basis that making available the information would disclose a trade secret of Kordia;
- (b) Section 9(2)(b)(ii), on the basis that making available the information would likely to unreasonably prejudice the commercial position of Kordia; and
- (c) Section 9(2)(i), on the basis that withholding the information is necessary to enable Kordia to carry out, without prejudice or disadvantage, commercial activities.

Depending upon the use to which the information might be put if it was to enter the public domain, withholding the information may be necessary to avoid prejudice to measures protecting the health or safety of members of the public (section 9(2)(c)), or to avoid prejudice to measures that prevent or mitigate material loss to members of the public (section 9(2)(e)).

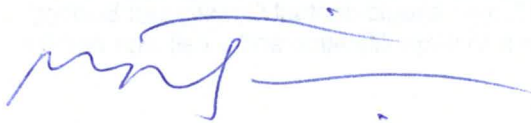
There are no other considerations in this case which outweigh these factors and which render it desirable in the public interest to disclose the information (section 9(1) of the OIA).

To the extent to which this response constitutes a refusal to provide the requested information, we are obliged under section 19(b) of the OIA to advise you of your right, under section 28(3) of the OIA, to complain to the Ombudsman to seek investigation and review of the refusal.

However, please contact the writer if you wish to clarify any aspect of this letter or seek any further information. Alternatively, Maritime NZ has advised that you may contact Mr Mike Hill, Manager, RCCNZ and Safety Services, Maritime NZ (free phone 0508 225 522) in relation to any other specific aspects of the operation of the maritime radio service.

We have determined that no charge is payable for the information in this response.

Yours faithfully



Michael Jamieson

EGM Legal and Risk

cc: Maritime New Zealand

