



MP for Dunedin South

Minister of Broadcasting, Communications
and Digital Media

Associate Minister for ACC

Minister for Government Digital Services

Associate Minister of State Services (Open Government)

22 MAR 2018

Joss J.

fyi-request-7323-2cbebd5@requests.fyi.org.nz

Dear Joss J.

Thank you for your Official Information Act 1982 (the Act) request of 22 February 2018. You requested the following information:

1. *Please supply me with all official information that the Minister holds relating to the TVNZ Archive Collection.*

Please see the attached documents. Contact details have been withheld under section 9(2)(a) of the Act.

Additionally, the Briefing to the Incoming Minister from the Ministry for Culture and Heritage mentions the TVNZ Archive. This document is publicly available at: <https://www.beehive.govt.nz/feature/bims>.

2. *Please supply me with all official information that the Minister holds relating to the monetisation, sale or licensing of TVNZ content.*

Please see the attached documents. Contact details have been withheld under section 9(2)(a) of the Act.

3. *Please supply me with all official information that the Minister holds relating to Official Information Act requests made to TVNZ that have subsequently come before the Minister. This may include - but is not limited to - briefings you have received or correspondence you have had with TVNZ regarding OIA requests.*

TVNZ provides my office with a copy of OIA responses after the response has been sent to the requestor on a 'no surprises' basis.

One such email, relating to an OIA request about the TVNZ Archive, has been released in response to part 1 of your request. Please notify my office if you would like to request all such messages, noting that the privacy of individual requestors would need to be taken into account.

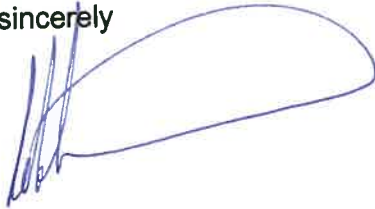
4. *Please supply me with all documents where you direct, advise, brief, or articulate your expectations of TVNZ in relation to how the broadcaster is to respond to Official Information Act requests.*

This part of your request is refused under section 18(e) of the Act, that the information requested does not exist.

As a Minister, I do not direct TVNZ in any form regarding their responses to Official Information Act requests.

You have the right, under section 28(3) of the Act, to seek an investigation and review of my response to your request by an Ombudsman. The contact address is: Office of the Ombudsman, PO Box 10152, Wellington 6143. Alternatively, you can email info@ombudsman.parliament.nz.

Yours sincerely

A handwritten signature in blue ink, consisting of several vertical strokes followed by a large, sweeping loop that extends to the right.

Hon Clare Curran
Minister of Broadcasting, Communications and Digital Media

From: Brent McNulty [s9(2)(a)]
Sent: Monday, 11 December 2017 6:20 PM
To: Leigh Huffine; Adrienne Reid; [s9(2)(a)]
[s9(2)(a)]
Subject: OIA Response
Attachments: OIA Response; Official Information request - TVNZ Archive material and database freely available online; ATT00001.txt

Hi everyone

Attached is an OIA request received from "Joss J", and our response. This is the one we discussed on Friday, Leigh.

The response was prepared with the help of Sarah Davy at Nga Taonga.

Regards
Brent

Brent McNulty
General Counsel and Corporate Affairs Director

d. [s9(2)(a)]
m. [s9(2)(a)]



RELEASED UNDER THE OFFICIAL INFORMATION ACT

From: Brent McAnulty s9(2)(a)
Sent: Monday, 11 December 2017 6:14 PM
To: Joss J. (fyi-request-6829-d35bf014@requests.fyi.org.nz)
Subject: OIA Response

Dear Joss

I refer to your email of 13 November requesting information concerning the relationship between Nga Taonga and TVNZ.

There is no correspondence between the two organisations on the subject.

In respect of the issues preventing content being made available, in order to make digitally preserved titles available online, Ngā Taonga requires an online catalogue entry to attach the digital file to, and to enable website visitors to search for and discover the material. To date, agreement has not been reached between the parties about what information from the TVNZ archive database can be available online, as some of the information in the catalogue is commercially sensitive. Discussions will continue on this.

Yours sincerely

Brent McAnulty
General Counsel and Corporate Affairs Director

d. s9(2)(a)
m.



From: Joss J. <fyi-request-6829-d35bf014@requests.fyi.org.nz>
Sent: Sunday, 12 November 2017 12:14 PM
To: s9(2)(a)
Subject: Official Information request - TVNZ Archive material and database freely available online

Dear Television New Zealand Limited,

This request follows the recent RNZ news report on 10 November 2017 (<http://www.radionz.co.nz/news/national/343410/project-to-digitise-nz-tv-history-lags-behind>) relating to former Broadcasting Minister Hon Craig Foss's admirable initiative in 2014 to make around 20,000 titles from the TVNZ Archive freely available online within three years.

I have three questions in my OIA request:

The RNZ news story reports that Nga Taonga "has not sorted out the copyright issues with TVNZ in order to get footage online." The news story goes on to say that Nga Taonga has made only 24 TVNZ Archive titles freely available online in the last three years.

I request:

1. A list of issues TVNZ has identified that prevent the publicly-funded footage in the TVNZ Archive being made freely available online by Nga Taonga.
2. All correspondence between TVNZ and Nga Taonga for the period 1 January 2014 – 12 November 2017 regarding making TVNZ Archive titles freely available online.

The MoU (Schedule 4, clause 12.1 and 12.2 which can be found here <https://fyi.org.nz/request/6578-tvz-archive-material>) between Nga Taonga and the Minister for Arts, Culture and Heritage provides for the copying of the TVNZ Archive database "onto a database that is accessible to the public on the internet at regular intervals".

I request:

3. All correspondence between TVNZ and Nga Taonga for the period 1 January 2014 – 12 November 2017 regarding making the TVNZ Archive database freely available online.

Yours faithfully,

Joss J.

This is an Official Information request made via the FYI website.

Please use this email address for all replies to this request:
fyi-request-6829-d35bf014@requests.fyi.org.nz

Is s9(2)(a) the wrong address for Official Information requests to Television New Zealand Limited? If so, please contact us using this form:
https://fyi.org.nz/change_request/new?body=tvnz

Disclaimer: This message and any reply that you make will be published on the internet. Our privacy and copyright policies:

<https://fyi.org.nz/help/officers>

If you find this service useful as an Official Information officer, please ask your web manager to link to us from your organisation's OIA or LGOIMA page.

RELEASED UNDER THE
OFFICIAL INFORMATION ACT

From: Leigh Huffine
Sent: Friday, 9 February 2018 12:54 PM
To: s9(2)(a)
Cc:
Subject: FW: Media enq: Questions for Broadcasting Minister Clare Curran

Hi s9(2)(a)

FYI on the below media request relating to TVNZ.

s9(2)(a) (copied in) are on the MCH Comms team. s9(2)(a) are the Treasury officials who monitor TVNZ.

Cheers
Leigh

From: Gay Cavill
Sent: Friday, 9 February 2018 12:46 PM
To: Leigh Huffine s9(2)(a)
s9(2)(a)
Subject: FW: Media enq: Questions for Broadcasting Minister Clare Curran

Greetings all,

My feeling is that this is operational and for TVNZ.

However that won't stop the Minister wanting to know the answers to these questions.

Can someone flick me some responses please. Note her deadline is 3pm which I have to say is somewhat tight!

Gay

From: s9(2)(a)
Sent: Friday, 9 February 2018 11:28 AM
To: Gay Cavill s9(2)(a)
Subject: Media enq: Questions for Broadcasting Minister Clare Curran

Hi Gay,

s9(2)(a) from Radio NZ here.

Just have a couple of questions for the Minister, if she is able to give me a call for a short interview that would be fantastic.

My deadline today is 3pm.

RNZ is aware that TVNZ is discussing the outsourcing of TVNZ footage licensing.

Is the Minister aware of these discussions?

And should an outsourcing deal be put in place what effect will this have re public access to TVNZ's old programmes and footage?

Kind Regards,

s9(2)(a)

www.radionz.co.nz



Radio New Zealand Disclaimer

Emails sent by Radio New Zealand Limited (RNZ) or any related entity, including any attachments, may be confidential, protected by copyright and/or subject to privilege. If you receive an email from RNZ in error, please inform the sender immediately, delete it from your system and do not use, copy or disclose any of the information in that email for any purpose. Emails to/from RNZ may undergo email filtering and virus scanning, including by third party contractors. However, RNZ does not guarantee that any email or any attachment is secure, error-free or free of viruses or other unwanted or unexpected inclusions. The views expressed in any non-business email are not necessarily the views of RNZ.

www.rnz.co.nz

RELEASED UNDER THE OFFICIAL INFORMATION ACT

From: Leigh Huffine
Sent: Friday, 9 February 2018 1:01 PM
To: s9(2)(a)
Subject: FW: TVNZ response to RNZ media query about our footage licensing plans

From: Gay Cavill
Sent: Friday, 9 February 2018 12:57 PM
To: Leigh Huffine s9(2)(a)
Subject: FW: TVNZ response to RNZ media query about our footage licensing plans

FYI

From: Georgie Hills s9(2)(a)
Sent: Thursday, 8 February 2018 1:44 PM
To: Gay Cavill s9(2)(a)
Cc: Brent McAnulty s9(2)(a)
Subject: TVNZ response to RNZ media query about our footage licensing plans

Hi Gay

We received a media query from RNZ about the state of play around licensing of TVNZ footage.

Reporter Phil Pennington has been closely following Nga Taonga's plans to digitise more archived TV content.

"RNZ requests TVNZ clarify the nature of any transaction done with Getty Images over the TVNZ catalogue. Among the questions we have are, who now owns the catalogue?; who has rights to reproduce it?; and what effect this has re public access to TVNZ's old programmes and footage if any?"

Our response to him:

We're exploring the potential of outsourcing TVNZ footage licensing with TVNZ retaining ownership of its material. Currently that work is managed in-house..

At this point our discussions are ongoing and there's no deal in place.

When we have arrived at a decision we'll be happy to bring you across any developments that come out of it.

TVNZ continues to work with Nga Taonga to support their aspiration to open up public access to the archived TV material they manage.

Best wishes

Georgie

Georgie Hills
GM Corporate Communications

d. s9(2)(a)
m.



For more information on the Television New Zealand Group, visit us
online at tvnz.co.nz

CAUTION: This e-mail and any attachment(s) contain information that
is intended to be read only by the named recipient(s). This information
is not to be used or stored by any other person and/or organisation.

RELEASED UNDER THE
OFFICIAL INFORMATION ACT

From: s9(2)(a)@mch.govt.nz>
Sent: Friday, 9 February 2018 2:59 PM
To: Gay Cavill
Cc: Leigh Huffine; s9(2)(a)
Subject: RE: TVNZ response to RNZ media query about our footage licensing plans

Kia ora Gay

The Minister could say:

Yes, she is aware of the discussions TVNZ is having about outsourcing its footage licensing and she will be updated if and when any changes are proposed.

Ngā mihi

Christine

From: Gay Cavill s9(2)(a)
Sent: Friday, 9 February 2018 2:11 p.m.
To: s9(2)(a)@mch.govt.nz>
Subject: FW: TVNZ response to RNZ media query about our footage licensing plans

From: Georgie Hills s9(2)(a)
Sent: Thursday, 8 February 2018 1:44 PM
To: Gay Cavill s9(2)(a)
Cc: Brent McAnulty s9(2)(a)
Subject: TVNZ response to RNZ media query about our footage licensing plans

Hi Gay

We received a media query from RNZ about the state of play around licensing of TVNZ footage.

Reporter Phil Pennington has been closely following Nga Taonga's plans to digitise more archived TV content.

"RNZ requests TVNZ clarify the nature of any transaction done with Getty Images over the TVNZ catalogue. Among the questions we have are, who now owns the catalogue?; who has rights to reproduce it?; and what effect this has re public access to TVNZ's old programmes and footage if any?"

Our response to him:

We're exploring the potential of outsourcing TVNZ footage licensing with TVNZ retaining ownership of its material. Currently that work is managed in-house..

At this point our discussions are ongoing and there's no deal in place.

When we have arrived at a decision we'll be happy to bring you across any developments that come out of it.

TVNZ continues to work with Nga Taonga to support their aspiration to open up public access to the archived TV material they manage.

Best wishes

Georgie

Georgie Hills

GM Corporate Communications

d. s9(2)(a)

m.



For more information on the Television New Zealand Group, visit us
online at tvnz.co.nz

CAUTION: This e-mail and any attachment(s) contain information that
is intended to be read only by the named recipient(s). This information
is not to be used or stored by any other person and/or organisation.

From: Gay Cavill
Sent: Friday, 9 February 2018 1:33 PM
To: Hon Clare Curran
Cc: Leigh Huffine
Subject: Media inquiry - TVNZ and Nga Taonga

Hello Minister,

We have a request for a response of TVNZ and Nga Taonga – as outlined below.

Yesterday **Phil Pennington from RNZ asked TVNZ** the following question about outsourcing archived material.

“RNZ requests TVNZ clarify the nature of any transaction done with Getty Images over the TVNZ catalogue. Among the questions we have are, who now owns the catalogue?; who has rights to reproduce it?; and what effect this has re public access to TVNZ’s old programmes and footage if any?”

The TVNZ response to him was:

We’re exploring the potential of outsourcing TVNZ footage licensing with TVNZ retaining ownership of its material. Currently that work is managed in-house.

At this point our discussions are ongoing and there’s no deal in place.

When we have arrived at a decision we’ll be happy to bring you across any developments that come out of it.

TVNZ continues to work with Nga Taonga to support their aspiration to open up public access to the archived TV material they manage.

s9(2)(a) wants to know:

- *what is meant by outsourcing,*
- *who will own the material*
- *and what the impact will be for people who want to access archived tv material?*

It is for news bulletins and she would like to do a short interview though I suspect she would be satisfied with written responses.

I have asked MCH what the involvement has been and for some responses if you want to answer these questions.

The other option would be to say its operational.

Background items

Phil Pennington wrote this as a morning report piece in November.

New Zealand's only national audiovisual archive says it will have to cut back services if it doesn't get more money. Nga Taonga has already dumped the ambitious targets the Government set for allowing people to view old television footage online when it became obvious it couldn't deliver.

(Still trying to retrieve the rest)

And wrote this as well.

1:17 pm on 14 November 2017



Phil Pennington, Reporter
@pippenn phil.pennington@radionz.co.nz

Analysis - You could call this 'The Mystery of the 20,000 Television Titles Target'.

It makes for interesting viewing.



Decades of Country Calendar programmes sit in the archives. Photo: NZ On Screen

The cast includes a Broadcasting Minister, his advisors, a charitable trust and the entire 650,000-title back-catalogue of Television New Zealand (imagine old *Country Calendar* episodes from the 1970s and the classic Rainbow Warrior news bulletin footage).

The plot asks the question: What is the public to make of ambitious targets that a government announces when bringing in a controversial policy?

Flashback to 2014

The government faced some resistance to putting the TVNZ archive into the care of a charitable trust, Ngā Taonga Sound and Vision. And a year ago the now-Prime Minister Jacinda Ardern asked in Parliament if the trust was accountable enough.



Former Broadcasting Minister Craig Foss Photo: RNZ / Claire Eastham-Farrelly

Then-Broadcasting Minister and National MP Craig Foss set a high target for the the number of titles to be made available online at the August 2014 launch of the beefed-up Ngā Taonga.

"Up until now, public access to the TVNZ archives has been limited - in fact, many New Zealanders probably don't know they exist," Mr Foss said in a speech at the event.

"Now ... [Ngā Taonga] has been given the explicit responsibility of digitising the items of highest heritage value, and ensuring New Zealanders can get online access, free of charge.

"The first clips are expected to be online before the end of the year, with about 20,000 titles made available over the next three years," Mr Foss said later.

That target is the same as in a Ministry of Culture and Heritage briefing in March 2014, obtained under the Official Information Act.

By November that year, the board of Ngā Taonga was wondering if it would need to ask for more money.

Then-chief executive Frank Stark wrote in an email: "We will certainly need to consider the implications of meeting Minister Foss's ambitious challenge to put 20,000 or more titles online over the next 3 years."

Fast forward to now

Ngā Taonga had this to say to RNZ this week: "We've done some investigation into your query about the target of 20,000 items.

"We can't find any evidence that Ngā Taonga knew of or were a party to that number before it was announced."

Rebecca Elvy, who has been chief executive since mid-2015, said when she became aware of the target it was made clear to the ministry soon after that it was "unrealistic".

"They agreed with that view," she said.

And back to 2014

On the same day Minister Foss was giving his '20,000 speech', Ngā Taonga signed an agreement to digitise 7000 titles by 2017.

In a statement to RNZ, the ministry twice did not answer questions about why Mr Foss's public target was 13,000 titles more than what was signed-up to in private.

"Minister Foss announced an ambitious target," it said.

When RNZ asked again, the ministry phoned to say RNZ's emailed questions were "aggressive".

Ngā Taonga has so far digitised about 2000 TVNZ titles.

In 2013, the ministry said the benefits of transferring the TVNZ archive to a non-Crown agency was in relation to freeing up of content for public access.

So how has this goal of public accessibility fared?

Not too well.

Ngā Taonga has only a handful of titles, although others can be accessed elsewhere, such as at NZ On Screen.

"Our funding to date has always been based primarily on our caring for the collection material and fulfilling TVNZ's broadcast library requirements, and then digitising what we could," the trust said.

The ministry agrees.

"Top priority for Nga Ngā Taonga has been to ensure that the collections are safely housed ... before they can be digitally preserved and made available online," it said.

So, was the emphasis actually on conservation and preservation all along?

The Minister's high hopes and high target three years ago, might have suggested otherwise.

Gay Cavill s9(2)(a)

Press Secretary to Hon Clare Curran

Minister of Broadcasting, Communications and Digital Media

Minister for Government Digital Services

Associate Minister for ACC

Associate Minister of State Services (Open Government)