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10 February 2023

R Clifford

By email: fyi-request-21363-0b9599d3@requests.fyi.org.nz

Tēnā koe R Clifford

Official information request relating to Creative New Zealand collaboration with We are Indigo Ltd

I refer to your official information request, dated 8 December 2022, for information related to Creative New Zealand's collaboration with We Are Indigo Ltd to deliver a new Digital Arts Commissioning and Capability Service.

We've considered your request under the provisions of the Official Information Act 1982 ('the Act'), which is based on the principle that information held by government agencies should be made available on request unless there is good reason for withholding it.

1. A copy of the RFP assessments and rankings for the three tenders in response to the RFP.

In the RFP process, We Are Indigo's final weighted score from the Evaluation Team was 78 and was ranked the highest. In addition to receiving the highest final weighted score, We Are Indigo scored highest across all seven weighted sections.

We are withholding the information relating to the other two tenderers under section 9(2)(b)(ii) of the Act, where the making available of information would be likely unreasonably to prejudice the commercial position of the party who supplied or who is subject of the information.

We have proactively released a [summary document](#) outlining the procurement and decision-making process for our selection of a Digital Arts Commissioning and Capability Service provider. This document intends to meet the public interest in information about our procurement process and to provide transparency on how We Are Indigo Ltd was selected as the successful respondent.

2. The detailed minutes or a summary of the discussion of the arts council meeting that approved the preferred supplier recommendation.

Please find the information you have requested enclosed as **Appendix A**. Some information has been withheld under the following sections of the Act.

- Section 9(2)(a), to protect the privacy of natural persons.
- Section 9(2)(g)(i), to 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 public service agency or organisation in the course of their duty.

3. A copy of the initial business case developed by Oyster Workshop for Creative NZ (ref Business Case for the establishment of a Digital Arts and Cultural Agency for Aotearoa on GETS.

We are withholding the requested information under section 9(2)(b)(ii) of the Act, where the making available of information would be likely unreasonably to prejudice the commercial position of the party who supplied or who is subject of the information.

4. A copy of the final contract or funding agreement with Toi ki Tua. Including all schedules and appendixes

We are withholding the requested information under section 9(2)(b)(ii) of the Act, where the making available of the information would be likely unreasonably to prejudice the commercial position of the party who supplied or who is subject of the information.

A standard Creative New Zealand funding agreement is attached as **Appendix B**. An additional schedule in the funding agreement between Creative New Zealand and Toi ki Tua (Schedule 4: Special Conditions Of Funding) sets out the following special conditions:

- Business purpose
- Establishing and maintaining relationships with the Arts Sector to inform the programme
- Financial stewardship
- Resource allocation
- Audience engagement including accessibility, for underserved communities via digital technology
- Agreed programme
- Agreed budget.

5. Details on how Toi ki Tua has proposed to structure their LTD to meet the expectation of the RFP.

We are withholding the requested information under section 9(2)(b)(ii) of the Act, where the making available of information would be likely unreasonably to prejudice the commercial position of the party who supplied or who is subject of the information.

6. How Toi ki Tua / We are Indigo proposed to manage any conflicts of interest including financial between the business of their subsidiary Toi ki Tua / Parent We are Indigo

The funding agreement between Creative New Zealand and Toi ki Tua includes financial stewardship. Relevant policies and processes are yet to be confirmed.

7. Any disclosures We are Indigo or tender partners made regarding their existing interest in NFT Market Places and NFT creation and marketing.?

We are withholding the information provided in the We Are Indigo proposal under section 9(2)(b)(ii) of the Act, where the making available of information would be likely unreasonably to prejudice the commercial position of the party who supplied or who is subject of the information.

8. Creative New Zealand's current policy on NFT investment using public money.

Creative New Zealand does not have a Non-Fungible Tokens (NFT) policy.

If you wish to discuss this information request, please get in touch with Pip O'Flaherty, Senior Adviser, Organisational Performance, via email to: pip.o'flaherty@creativenz.govt.nz

You have the right under section 28(3) of the Act 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.

Ngā mihi nui, nā

David Pannett
Pou Whakahaere Matua, Rautaki me te Tūhono
Senior Manager, Strategy & Engagement

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