

4 December 2013

Thomas Beagle
C/- FYI.org.nz

By email to: fyi-request-1090-23da046d@requests.fyi.org.nz and
fyi-request-1091-24577408@requests.fyi.org.nz

Dear Mr Beagle

The Council has been notified by the Office of the Ombudsman, concerning a complaint you made over the Council's refusal to provide you with information you sought through the website FYI.org.nz on 21 August 2013:

"I understand that a list of buildings in Wellington with similar construction to the collapsed CTV building in Christchurch has been created.

Please send me a copy of this list."

The Council's decision on your request was:

The information requested is withheld under the Local Government Official Information and Meetings Act 1987 (LGOIMA), **section 7(2)(b)(ii)**, *to protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who is the subject of the information.*

The Office of the Ombudsman has asked the Council a range of questions as part of its investigation into your complaint. These questions have resulted in the Council reviewing its decision on your request and the exact nature of the information you asked for. As such, I advise of a review of the Council's previous decision and further clarification of the information the Council does hold:

The Council should have refused your request for a 'copy of a list of buildings in Wellington with similar construction to the collapsed CTV building in Christchurch', under LGOIMA, section 17(e), as the list requested does not exist.

To be exact, there is no list confirming buildings with similar construction to the collapsed CTV building in Christchurch.

However, from my earlier communication you will be aware that the Council does hold a list of buildings. This list is of buildings that have undergone a desktop evaluation for a range of features, some of which may be similar to features in the original design of the CTV building, and about which the Council is waiting for further information from the building owners.

This list is withheld under LGOIMA, **section 7(2)(b)(ii)**, *to protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who is the subject of the information*, and section




7(2)(c)(ii), where the making available of the information would be likely otherwise to damage the public interest.

This response has been copied to the Office of the Ombudsman.

Please contact me if you have any questions.

Yours sincerely



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