



12 February 2020

Chris Johnston

By email: fyi-request-11355-9e541780@requests.fyi.org.nz

Dear Chris

Official information request for information mentioning scientists Ned Nikolov, Karl Zeller, and Roy Spencer

I refer to your request for information under the Official Information Act 1982 (the Act) dated 5 January 2020:

“Please provide any information/records (including but not limited to internal/external: documents, emails, notes, minutes, text messages, or social media messages) mentioning scientists Dr Ned Nikolov and/or Dr Karl Zeller and/or Dr Roy Spencer...”

Dr Ned Nikolov

A search of the University’s Office365 system for information and records mentioning scientist Dr Ned Nikolov was completed. This search yielded a small number of results. These results consisted of emails sent to and from yourself questioning whether the University had received this request at an earlier date. Please find these emails attached. Please note, the University has no way of easily searching for other records to identify those that mention “Dr Ned Nikolov” outside of the Office365 system.

Dr Karl Zeller

Again, a search of the University’s Office365 system for information and records mentioning scientist Dr Karl Zeller was completed. This search also yielded a small number of results which consisted of emails sent to and from yourself, questioning the date on which the University received this request. Please also find these emails attached. The University has no way of easily searching for other records to identify those that mention “Dr Karl Zeller” outside of the Office365 system.

Dr Roy Spencer

A search of the University’s Office365 systems alone for “Dr Roy Spencer” discovered 708 documents and/or email threads. While not all of this information may be relevant to your request, the University would be required to search through all 708 documents and/or email threads to identify those which are relevant.

We have decided to grant this part of your request. However, given the amount of resource required to process these documents and/or email threads, we have decided to charge for making the requested information available.

We estimate that the maximum charge will be \$1,320.00. Any unused component of the maximum charge will be refunded to you.

Before we proceed further with your request, please confirm your agreement to the charge and pay the full amount. The payment can be deposited in to the following account with reference 'Chris Johnston OIA request':

ANZ Bank New Zealand Limited
Account number: 06-0606-0100241-00
Victoria University of Wellington

Please note that if you pay the charge an email must be sent to oiarequests@vuw.ac.nz confirming the time and date on which the payment was made. We will send you the information within 40 working days of your payment.

If you wish to discuss this decision with us, please feel free to contact me at oiarequests@vuw.ac.nz. I will be able to assist you should you wish to change or refine your request to reduce or remove the need to charge.

Outside of the Office365 system, the University has no way of easily searching for other records to identify those that mention "Dr Roy Spencer". Due to the substantial amount of work that would be required to research and collate the requested information not held in the Office365 system, we are refusing your request under section 18(f) of the Act on the basis that information cannot be made available without substantial collation and research.

The University considered whether charging or extending the timeframe for responding to your request would help, as required by section 18A of the Act, and also whether consulting with you would help, as required by section 18B of the Act. However, neither of these things would help given that the University has no way of easily searching records to identify those that mention "Dr Roy Spencer" outside of the Office365 system.

The University believes that any records relevant to your request could also be withheld under sections 9(2)(g)(i) of the Act (on the basis that withholding is necessary to maintain the effective conduct of public affairs through the free and frank expression of opinions by or between (University staff) in the course of their duty) and/or section 9(2)(a) of the Act (on the basis that withholding is necessary to protect individual privacy).

In relation to section 9(2)(g)(i) of the Act, I note in particular that the Education Act 1989 sets out the unique role of a university to be critic and conscience of society and also enshrines the statutory protection of academic freedom. Among other things, academic freedom includes "the freedom of academic staff and students, within the law, to question

and test received wisdom, to put forward new ideas and to state controversial or unpopular opinions”.

You have the right to seek an investigation and review by the Ombudsman of the University’s decision on your request. Information about how to make a complaint is available at www.ombudsman.parliament.nz or freephone 0800 802 602.

Yours sincerely

A handwritten signature in black ink that reads "GTawharu". The letters are cursive and connected.

Georgia Tawharu

Adviser, Information Access and Copyright