

18 May 2015

Peter Sime

By email: [fyi-request-2618-168a9e21@requests.fyi.org.nz](mailto:fyi-request-2618-168a9e21@requests.fyi.org.nz)

Dear Mr Sime

Thank you for your Official Information Act 1982 request of 17 April 2015 in which you requested the following information:

- 1. Fairfax Media's application under section 6 of the Protected Objects Act to export their photographic archive to Rogers Photo Archive in 2013.*
- 2. A copy of the chief executive's notice to Fairfax Media that granted them permission to export their photographic archive.*
- 3. Any file notes, internal and external correspondence, and any other relevant information generated in respect of Fairfax's application.*

Nine documents have been identified as relating to parts one and two of your request and I am releasing all of them to you.

I can clarify that the photographic negatives portion of the Fairfax Photographic Archive has not been exported from New Zealand. On 8 May 2015 Ministry Acting Chief Executive Helen Wyn revoked the temporary export permission for the negatives and her letter to Fairfax is one of the documents attached.

The third part of your request is broad and the information requested cannot be made available without substantial research and collation. I ask whether, in view of the information here provided, you are able to refine this part of your request to more clearly identify the further information you are seeking.

You have the right to ask the Ombudsman to review this decision regarding your request.

Yours sincerely



David Butts  
Manager, Heritage Operations

File: 26920452  
Ref: RKPS1913-315331.2

**Robert Stewart**  
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10 May 2013

Lewis Holden  
Chief Executive  
Ministry of Culture and Heritage  
Wellington

**DELIVERED & BY E-MAIL**

Dear Mr Holden

## **FAIRFAX MEDIA - ROGERS ARCHIVE**

1. We act for Fairfax New Zealand Limited, which trades in New Zealand as Fairfax Media.
2. Yesterday Fairfax New Zealand executives, including Fairfax New Zealand Group Executive Editor Paul Thompson, met with your Mr Milne and Ms Barber to discuss Fairfax Media's agreement with Rogers Photo Archive and the proposed export of photographs and negatives from Australia and New Zealand to the United States of America. Mr Thompson has this morning received a letter from Mr Milne seeking urgent assurance that no material that is 50 years old or older will be exported from New Zealand before the processes in the Protected Objects Act 1975 have been followed. Mr Milne's letter has also indicated that the Ministry will do its best to move quickly in a process that adheres to the Act and meets Fairfax's needs to facilitate a mutually acceptable solution. That offer is appreciated and one Fairfax wishes to take up immediately.

### **Agreement with Rogers Photo Archive**

3. Fairfax Media Australia has entered into an agreement with Rogers Photo Archive (RPA) to digitise the entire Fairfax Media (Australia and New Zealand) holdings of photographs (both hard-copy prints and negatives) which is estimated to be over 25 million images. The New Zealand component is hard to estimate, but there are believed to be over 5 million hard-copy prints and/or negatives. It is intended that the digitisation take place in two stages – hard copies now, negatives in some months time.
4. This digitisation will allow Fairfax Media to:
  - Digitise all holdings of photographs and negatives (which come from a wide variety of sources) and do ensure images will be available to future generations electronically, subject to existing copyrights and other rights held by third parties.
  - Work with organisations such as the National Library.
  - Reduce ongoing storage and preservation costs and the risk of continuing deterioration and also inadvertent destruction.

5. The agreement with RPA provides that it will take physical possession of Fairfax Media's entire photograph holding (both hard-copy prints and negatives) and store it at its facilities in Little Rock, Arkansas, USA. RPA has provided similar services for The Denver Post, Seattle Times, Miami Herald, Chicago-Sun Times, the McClatchy group of newspapers in the USA, and many others. The agreement has a ten year term at the end of which Fairfax Media may take back the entire holding or any part of it (at its own expense).
6. RPA is responsible for packing and shipping the hard copy prints from New Zealand. This is scheduled to occur and be completed late next week. The negatives are to follow separately in December. The agreement also provides for RPA to:
  - Clean all hard-copy prints to their original condition.
  - Scan all hard-copy prints, back and front, and return the digitised images (with related meta-data and tagging) to Fairfax Media.
  - Scan all negatives (acetate, nitrate, 35mm etc) and return the digitised images (with related meta-data and tagging) to Fairfax Media.
  - Provide digital images of the hard-copy prints to Fairfax Media from July 2013.
  - Make available any image requested by Fairfax Media during the digitisation process within 24 hours.
7. Fairfax Media retains all copyrights and other rights it now has in the images.
8. Until now, the age of the materials has not been assessed in detail. It is sourced from a wide range of locations, including different newspapers, archives, materials supplied by third parties, copies obtained from other photo services, and materials provided by readers and advertisers. In some cases the newspapers from which they were obtained did not exist 50 years ago. In other cases, material has in past years been archived with New Zealand public institutions and is either not now held by Fairfax, or only as duplicates. There will be some items which are more than 50 years old but to locate these would require a search of all the material – which will be achievable immediately it is digitised as that data will then be captured digitally.

#### Current problems

##### *Preservation*

9. The condition of negatives has been expertly assessed and is reported currently to be reasonably stable, however negatives with a nitrate or acetate base pose significant problems. The advice to Fairfax is that nitrate negatives are potentially dangerous because they can be extremely flammable. Acetate-based negatives are reported as showing signs of degradation in parts, which will only accelerate with time. Hard-copy prints will continue to deteriorate over time without ongoing preservation.
10. Given the changes in the resources of media companies, the availability of such material from other sources, and the new technology required for preservation there is growing uncertainty around the ability for Fairfax to provide continued efforts to preserve and maintain the archives to current standards.

*Cost*

11. Storage costs are significant. Fairfax New Zealand has approached the National Library with a view to it taking over the historic parts of the materials, but no interest was shown principally it would seem due to the resourcing required to sort and store the images. There have been suggestions made to Fairfax Media that the photographs and negatives now held be "culled" to make it more manageable. This is not the best outcome.
12. Fairfax Media has had independent quotes for the approximate cost to scan each image negative and add meta-data (found on the negative, sleeve, back of image etc). The average cost is approximately \$2-\$4 per image using onshore processing with an approximate cost to digitise everything (including hard-copy prints) of \$50 million - \$100 million. This is not only not affordable as an initial cost, but not able to be recovered from any subsequent use by Fairfax.

*Lack of editorial / public access*

13. The archival images are currently accessed by a very limited library staff for use editorially. Searches are done individually depending on the commissioned work or commercial opportunity, however these are time and labour intensive. Millions of images remain in storage facilities or newspaper basements and only dozens are used in any given week.

**Unique opportunity**

14. Fairfax Media believes its agreement with RPA represents a unique opportunity to preserve history, make the images publicly available, and reduce costs. The digitisation of the entire photographic/negative holding will ensure the images are available to future generations electronically.
15. Additionally, because Fairfax Media will retain the copyright in the images, it can work with organisations such as the National Library, Te Papa, to make the holding or parts of it available for public viewing and community involvement.

**Protected Objects Act 1975**

16. Fairfax Media initially took the view that the export of the New Zealand component of the holding did not require permission under the Protected Objects Act as it believed none of the hard-copy photographs or negatives were likely to be older than 50 years, and therefore were not protected New Zealand objects as defined by the Act.
17. As a result of the discussions that have taken place with the Ministry, Fairfax New Zealand now acknowledges that, although the number of hard-copy photographs or negatives in the New Zealand component of the holding 50 years old or older is likely to be extremely small, it cannot say for certain that there are no "protected New Zealand objects" within the holding. Accordingly, it wishes to make an urgent application for the **temporary** export of any protected New Zealand objects that are found within the holding by RPA during the digitisation process. An application form is being completed and will be delivered to your office on Monday.
18. Fairfax Media requests the highest level of urgency is given to its application on the grounds that:
  - 18.1 The hard-copy prints are currently being packed and are due to be shipped by RPA from New Zealand at the end of next week.