



**Te Tari Taiwhenua
Internal Affairs**

16 July 2024

45 Pipitea Street, Thorndon, Wellington 6011

PO Box 805, Wellington

Phone +64 04 495 7200

Email: OIA@dia.govt.nz

dia.govt.nz

Joe

fyi-request-27128-
15cb0558@requests.fyi.org.nz

Tēnā koe Joe,

Follow up to your Official Information Act 1982 request reference OIA 2324-1072

I am responding to your email of 5 July 2024 requesting that your Official Information Act 1982 (the Act) request OIA234-1072 be transferred to Datacom. As a private company, Datacom is not subject to the Act and requests for official information cannot be transferred to it.

As you have noted, section 2(5) of the Act states that *'any information held by an independent contractor engaged by any public service agency or Minister of the Crown or organisation in his capacity as such contractor shall, for the purposes of this Act, be deemed to be held by the public service agency or Minister of the Crown or organisation.'* In this instance, section 2(5) of the Act is not triggered as the requested information is not held by Datacom in its capacity as an independent contractor to the Department of Internal Affairs (the Department).

The Department has already provided you with the information in relation to your request. As noted, the Department only holds information about agencies consuming services via Common Capabilities/Framework Agreements, or via the Marketplace.

Information regarding independent contracts with Datacom would be held by each individual public service agency or organisation. If you wish to submit individual requests for official information to each public service agency or organisation, a list of all government organisation can be found at: www.govt.nz/organisations. Alternatively, the Ministry of Business, Innovation and Employment is the lead agency for government procurement. It may be able to assist you.

You have the right, under section 28(3) of the Act, to seek a review of my decision by the Office of the Ombudsman. The postal address of the Office of the Ombudsman is PO Box 10152, Wellington. Alternatively, you can phone 0800 802 602 or email info@ombudsman.parliament.govt.nz.

We intend to publish our response to your request on www.dia.govt.nz. This letter, with your personal details removed, will be published in its entirety. Publishing responses increases the availability of information to the public and is consistent with the Act's purpose of enabling effective participation in the making and administration of laws and policies and promoting the accountability of Ministers and officials.

Nāku noa, nā

A handwritten signature in black ink that reads "Jeremy Cauchi". The signature is written in a cursive, flowing style.

Jeremy Cauchi
Director, Ministerial and Monitoring