



30 July 2024

45 Pipitea Street, Thorndon, Wellington 6011

PO Box 805, Wellington 6140

Phone +64 4 495 7200

Email OIA@dia.govt.nz

Website www.dia.govt.nz

Joe FYI.org

fyi-request-27465-

ddda8895@requests.fyi.org.nz

Tēnā koe Joe

Your Official Information Act request, reference OIA2425-0006

I am responding to your email of 2 July 2024 to Te Tari Taiwhenua | Department of Internal Affairs (the Department) requesting the following information under the Official Information Act 1982 (the Act):

This is an OIA request under section 2(5) for information from Datacom, who is contracted to many NZ and AUS government agencies to provide telecommunication and cloud services.

This request covers the years from 2000 to present.

This request is for the list of all government agencies/organisations, or government owned agencies/organisations, or government funded agencies/organisations, that Datacom has provided email services. For each named entity, please state the date ranges in which Datacom was the email service provider.

For each of those agencies, I request the following for each year from 2000 to present:

(1) the number of email addresses that have been subject to email redirection at the server (that is, during transit the email is redirected from the intended recipient to some other unintended recipient), with Datacom's assistance, as a result of request of the government entity; and

(2) the number of email addresses that have been subject to email copying during transit, with Datacom's assistance, as a result of a lawfully obtained warrant issued by a NZ or AUS court; and

(3) the number of email addresses that have been subject to email copying during transit, with Datacom's assistance, without a lawfully obtained warrant issued by a NZ or AUS court, but on behest of the police or DoIA.

On 16 July 2024, the Department contacted you to advise that it was our preliminary view that we did not hold any information within scope of your request, and that we were proposing to refuse your request under section 18(e) of the Act, as the information requested does not exist.

Section 18B of the Act specifies that a request is likely to be refused under section 18(e) or 18(f) of the Act, that the Department must consider, before that request is refused, whether consulting with the person who made the request would assist that person to make the request in a form that would remove the reason for the refusal. Because of our obligation under the Act, the Department wanted to give you the opportunity to respond to this preliminary view and rescope your request, prior to releasing our final decision. However, we have not received a response to this invitation to rescope and must provide our response accordingly.

In your request you referred to section 2(5) of the Act. 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.

I can advise that the Department does not hold the information within scope of your request. Therefore, your request is refused under 18(e) of the Act, as the information does not exist, as information regarding independent contracts with Datacom is not held by the Department.

This information you seek may 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.

You have the right, under section 28(3) of the Act, to seek an investigation and 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.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 more effective participation in the making and administration of laws and policies and promoting the accountability of Ministers and officials.

Nāku noa, nā



Jeremy Cauchi
Director Ministerial and Monitoring