



7/02/2025

Dave Lane

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Tēnā koe Dave

OIA: 1341675 - 'Big Tech' select agreements for NZ Schools

Thank you for your email of 18 December 2024 to the Ministry of Education requesting information regarding purchasing Microsoft and Google product for New Zealand schools (please see **Annex A** below for a copy of your full request).

Your request has been considered under the Official Information Act 1982 (the Act).

In response to **parts two, three and four** of the request, as the information has not changed since your previous request dated 5 October 2023, we refer you to our previous response to you.

With regard to the remainder of your request, the Ministry needs to extend the timeframe for responding to your request, pursuant to section 15A(1)(a) and 15A(1)(b) of the Act, as the request is for a large quantity of information or necessitates a search through a large quantity of information, and as consultations necessary to make a decision on the request are such that a proper response cannot reasonably be made within the original time limit. You can now expect to receive a response to your request on or before 21 March 2025, which is an extension of 30 working days.

You have the right to ask an Ombudsman to investigate our decision to extend the timeframe for responding to this request, in accordance with section 28 of the Act. You can do this by writing to info@ombudsman.parliament.nz or Office of the Ombudsman, PO Box 10152, Wellington 6143.

Nāku noa, nā

Tess Firth

Senior Advisor

Government, Executive and Ministerial Services



Annex A:

*In the light of the recently re-signed agreements with Microsoft and Google, I'd like to revisit my previous request for information about the rationale behind purchasing Microsoft and Google products for all NZ schools at a national level. Previously, a similar query resulted in a response admitting that the Min of Ed had *lost* the agreements you had a signed with both Microsoft and Google. Similarly, it became apparent that your weekly meetings with both foreign multinationals are not minuted. Great access for them, no accountability for all of us in NZ. I'm hoping that this time around such poor process won't be repeated.*

I am keen to understand the decision making process and other considerations surrounding the profound decision by the Ministry of Education to supply, based on national-level agreements, Microsoft and Google digital services to (nearly) all primary, secondary, and tertiary educational institutions in Aotearoa NZ.

These services are now deeply woven into the fabric of almost all of our schools, and have become crucial dependencies across the curriculum and communications between students, schools, and the community. They frame and mediate almost every digital activity taking place in almost all our educational contexts. This has profoundly influenced (and limited) the now pervasive incorporation of digital technologies through our entire education system.

I request the following information from the Ministry:

- 1. the tender documents that resulted in Microsoft and Google becoming primary suppliers of technologies for schools throughout New Zealand*
- 2. the role(s) within the Ministry responsible for signing-off the decision to *renew* the procurement of Microsoft and Google technologies for schools.*
- 3. the name(s) of the Ministry department(s) (and in which Ministry) which negotiated the contracts with Microsoft and Google.*
- 4. any documents by external (to the MoE) experts, identifying and comparing digital technology options with relevance to this decision.*
- 5. dated minutes (including list of attendees) of meetings in which the renewal Microsoft and/or Google technology agreements were discussed.*
- 6. any documents identifying alternatives to Microsoft and Google technologies, that were considered but dismissed, and any documents explaining reasons why.*
- 7. a timeline of meetings between the Ministry staff and Microsoft and Google employees (or their commercial partners) including minutes and attendance.*
- 8. a list of any external experts consulted in the course of this process, including any declarations of pecuniary interests (or noting that those were never requested).*
- 9. any advice from external experts regarding the pedagogic or cultural suitability of Microsoft or Google technologies as the dominant technologies in NZ schools.*

10. any documents pertaining to the 'terms of use' or 'terms of service' of the Microsoft and Google services adopted (e.g. MS Office 365 and Google Classroom/Hapara), including any reviews covering the legal liabilities, e.g. legal opinions.

11. any documents/communications offering information/guidance to school boards adopting these technologies or raising concerns.

12. any documents/communications (internal or otherwise) discussing the balance of responsibility/liability between the Ministry of Education and school trustees, especially regarding the relationship between Microsoft & Google and school students and/or their parents/guardians. This should include an discussion of informed consent or compliance or related concerns.

13. any documents/communications discussing legal liabilities related to procurement of these digital technologies (or competing technologies, subsequently not selected) in relation to NZ's obligations under the CPTPP agreement and its Investor State Dispute Settlement provisions.

14. any documents/communications discussing how the Ministry would respond to either small or large scale refusal (by school boards or parents/guardians) to accept the terms of use of either the Microsoft or Google digital services, and any advice they have had, either legal or from adjacent organisations like the NZSTA.

15. any documents/communications discussing the Ministry's role in informing and advising school trustees on the terms of use of Microsoft and Google digital technologies and managing liabilities like breaches or responding to changes to those terms which the vendors claim the right to make at their whim.

16. any documents/communications discussing concerns about ways in which Microsoft or Google might use (for profit or otherwise) the data or metadata generated by members of the education community, e.g. students, educators, staff, and parents/guardians, on whom the use of these technologies was imposed.

17. any documents/communications mentioning the term 'colonisation' in relation the adoption of Microsoft and Google digital tools.