



CUSTOMHOUSE

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PROTECTING NEW ZEALAND'S BORDER

5 February 2016

Ref: IPC OIA 15-246

Mr Gavin Millar

E-mail to: fyi-request-3442-3bdf5f16@requests.fyi.org.nz

Dear Mr Millar

Official Information Act request

Thank you for your email dated 15 December 2015 in which you agreed to refine the scope of your third request for information related to the development and implementation of the Joint Border Management System to include only "change requests (or similar)".

Your request of 3 December 2015 asked for:

- "1) All documents related to any "Expression of Interest" process undertaken by NZ Customs prior to the selection of a solution. This would include the specifications requested as well as any supplementary questions and answers.*
- 2) Any documents related to the tender or bid process including documents by NZ Customs detailing the process and selection criteria.*
- 3) All documents related to user stories, business requirements and change requests produced by NZ Customs as part of the project.*
- 4) Any documents related to dispute management within the JBMS project including budget, timeline or defect issues between NZ Customs and IBM."*

Due to the volume of information you have requested it will be problematic to transmit the documents via email because of the size of the pdf files. Customs will therefore put the information up on its website at www.customs.govt.nz. It is anticipated this will be done by the end of February. As a result, Customs is refusing your request for the information detailed in parts one, two and three above pursuant to section 18(d) of the Official Information Act 1982 (OIA) on the grounds that the information requested will soon be publicly available.

In response to part four of your request, the only documentation relating to dispute management within the JBMS project is the dispute management clauses of the contract between Customs and IBM. Your request is therefore refused pursuant to:

- section 18(a) of the OIA, section 9(2)(b)(i) - the contract between Customs and IBM is commercially sensitive, and releasing the information would likely disclose commercially sensitive information.
- section 18(e) of the OIA - The contracting parties involved in JBMS have never initiated the dispute management clauses under the contract, and therefore no such documentation exists.

You have a right, by way of complaint to the Office of the Ombudsman under section 28(3) of the OIA, to seek an investigation and review of the decision to refuse your request.

However, please contact the Procedures and Support team via the email OIA@customs.govt.nz in the first instance if you would like to discuss any aspect of this letter.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'MAY', followed by a long horizontal stroke that tapers to the right.

Murray Young
Chief Information Officer