

1 July 2016

Attention Pamela Absolom

**Sent by email to: [fyi-request-4157-6d72dad5@requests.fyi.org.nz](mailto:fyi-request-4157-6d72dad5@requests.fyi.org.nz)**

Dear Ms Absolom

### **OFFICIAL INFORMATION ACT REQUEST**

1. As you know, we act for Rangiora High School.
2. We refer to your latest request for information from the School on 22 June 2016 (**Latest Request**) under the Official Information Act 1982 (**OIA**).

#### **Response to your Latest Request**

3. Your latest request contained the following questions for the School:
  - a. *"(A). If the house was sold at a 'public' auction, why therefore is the sale price not public or available?"*
  - b. *"(B). Educational purposes such as? I would like examples of the 'purposes.'"*
4. In relation to the sale price, the Commissioner has clearly already responded to you on this issue in her letter of 21 June 2016 where she stated: *"the house sale price is currently commercial information between the contracting parties and is not yet available publicly."* Accordingly your request is refused on the grounds that it is repetitive, vexatious and trivial (section 18(h) of the OIA) and also that the disclosure of the information is likely to cause unreasonable prejudice to the commercial position of the School and its commercial activities (sections 9(2)(b)(ii) and 9(2)(i) of the OIA).
5. In relation to examples of 'Educational purposes', the request is refused because it is clearly vexatious (section 18(h) of the OIA). Educational purposes are obviously anything related to the management and operation of the School. It is not the School's job to list examples of what this is or explain this to you. In any event, there is publicly available information (on the School's and Ministry's website), which will explain this to you if you do not understand (also grounds for refusal under section 18(d) of the OIA).

#### **Right to complain to the Ombudsman**

6. If you do not agree with the School's decision to refuse your Latest Request, you have the right to seek an investigation and review of the refusal by the Ombudsman.
7. The contact details for the office of the Ombudsman are available on its website: <http://www.ombudsman.parliament.nz/make-a-complaint>.

#### **History of vexatious, frivolous and trivial requests**

8. We have reviewed your extensive history of correspondence with the School and consider that you continue to make repetitive and trivial requests of the School.

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9. We recognise the importance of participation, transparency and accountability of government officials and departments. However, it is not the School's role to provide responses to every question you have about the School or education systems. There are many online resources on the Ministry's website and on the School's website that may answer your questions.
10. The time it takes to consider each and every request affects the School's ability to operate in an efficient manner. The School's commissioner is obligated to take time to consider each of your OIA requests. The School's commissioner is only contracted for 25 hours per week. The sheer volume of your OIA requests take a significant amount of time out of those hours. We therefore consider that responding to your vexatious, trivial and repetitive requests is not in the public interest.
11. We consider that the School has gone above and beyond to respond to your numerous requests, including incurring substantial legal costs to ensure it is meeting its legal requirements, which would otherwise go to the School's other operational expenses if you had not made the vexatious requests.
12. We note that any impairment to the efficient running of the School and the cost of responding to your requests is to the detriment of the students.

#### **Harassment and unlawful requests**

13. We will continue to consider requests that you send, but if we consider that they fit into a category under the OIA which means that the School is entitled to refuse the request, we will not hesitate to do so.
14. We consider that your conduct and continued requests amount to harassment and they are causing distress to the officials who are becoming unable to effectively carry out their duties due to the time taken to respond to your requests.
15. We recognise that this is a serious matter and note that we have not come to this conclusion without due consideration. We consider that the School has acted in good faith by responding to each of your requests in a reasonable way and refusing them only where they are frivolous or repetitive. We note that if you continue to make vexatious, frivolous, trivial or repetitive requests, we will recommend that more formal action is taken to prevent you from making such unlawful requests.

Yours faithfully  
**Wynn Williams**



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