

30 September 2016

C80089-93, C80115-6, C80119-121

Ti Lamusse
fyi-request-4556-b0b82c0e@requests.fyi.org.nz

Dear Mr Lamusse

I refer to your emails dated 5 September 2016 to 7 September 2016, submitting 10 requests for information on a variety of subjects. Your requests have been considered under the Official Information Act 1982 (OIA).

The Department received 10 OIA requests from you within a 30 hour period; these requests are attached in Appendix One. I refer to your second and third requests received on 5 September 2016 at 6:36 p.m. and at 6:47 p.m., (our reference C80090, C80091) requesting;

"My questions are:

- 1. what is the total number of transgender and intersex prisoners?*
- 2. what is the total number of transgender prisoners?*
- 3. what is the total number of intersex prisoners?*
- 4. of the total number of transgender and intersex prisoners, how many identify as a) women, b) men or c) a neither of those genders? If there are known intersex prisoners, note how many intersex prisoners specifically identify as men, women, or neither.*
- 5. Of the total number of transgender and intersex prisoners, how many are in men's prisons and how many are in women's prisons? Please break this down further as follows:*
 - the total number of trans/intersex people who identify as men who are in men's prisons*
 - the total number of trans/intersex people who identify as men who are in women's prisons*
 - the total number of trans/intersex people who identify as women who are in men's prisons*
 - the total number of trans/intersex people who identify as women who are in women's prisons*
 - the total number of trans/intersex people who identify as neither who are in men's prisons*
 - the total number of trans/intersex people who identify as neither who are in women's prisons*
- 6. Please break down the total number of trans people by ethnicity. I understand this data may not be readily available. However, as there were only 19 people who Corrections thought to be transgender as of*

October 2015, it would take very little time (and would very much be in the public interest), to pull up the file of each transgender prisoner and note their ethnicity for this request.

My questions are as follows:

- 1. what are all of the offences transgender prisoners, who have been sentenced, have been convicted of and are currently incarcerated for?*
- 2. Please provide the total number of offences of transgender prisoners, who have been sentenced, as well as the offences broken down by offence type”*

The Department can confirm that there are 17 individuals who identify as transgender. Due to the low numbers in question, the Department is declining all remaining questions under section 9(2)(a) of the OIA as the disclosure of this information may lead to the identification of the individuals and it is necessary to withhold and protect their privacy. The Department does not record an individual as ‘intersex’. Your request for this information is declined under section 18(e) of the OIA as the requested information does not exist.

I refer to your fourth request received on 5 September 2016 at 6:49 p.m., (our reference C80092) requesting:

“Please me with names, email addresses and contact numbers for people holding the following positions (or their equivalent) at Auckland South Corrections Facility:

- Prison director*
- Officer responsible for visitation*
- Officer responsible for the induction and transportation of prisoners”*

As you may be aware, Auckland South Corrections Facility (ASCF) is a privately operated facility by SecureFuture which has subcontracted Serco to operate the facility on a day to day basis. Both SecureFuture and Serco are private organisations and are not subject to the OIA. However, as the Department is responsible for Corrections Services in New Zealand we can confirm the Prison Director at ASCF is Mike Inglis. Your request for contact details and names of Officers is withheld under section 9(2)(g)(ii) of the OIA as withholding the information is necessary to maintain the effective conduct of public affairs through the protection of member of organisations, officers, and employees from improper pressure or harassment.

All official correspondence is answered by the Ministerial Services team located at National Office. Any written contact with Departmental staff will be forwarded to info@corrections.govt.nz for response. Contact details for ASCF are available on the Department’s website.

I refer to your sixth request received on 7 September 2016 at 12:16 a.m., (our reference C80115) requesting:

"My questions are as follows:

- 1) What is the total number of prison cells?*
- 2) What is the total number of cells that are double-bunked?*

Please note, I am not asking how many bed spaces or pillow spaces there are. I am asking the total number of physical cells."

The Department can confirm it has a total capacity of 8,612 cells, of these 2,267 have two beds in them.

Your further seven requests are declined under section 18(f) of the OIA as the information requested will require substantial collation and research. The Department estimates that it would need to divert substantial resources to collate the information you have requested.

Under section 18A(2)(b) of the OIA the Department may treat two or more requests from the same person received simultaneously or in short succession as one request.

18A Requests involving substantial collation or research

- (2) For the purposes of refusing a request under section 18(f), the department, Minister of the Crown, or organisation may treat as a single request 2 or more requests from the same person*
 - b) that are received simultaneously or in short succession.*

In accordance with section 18B the Department has considered whether consulting with you would assist to make the request in a form that would remove the reason for the refusal. However, we do not consider that the request could be refined as they meet the due particularity requirement as set out in section 12 of the OIA.

Furthermore, in accordance with section 15 of the OIA, the Department has considered whether to affix a charge. However, given the scale of the request we do not consider that this would be an appropriate use of our publicly funded resources.

I trust the information provided is of assistance. Should you have any concerns with this response, I would encourage you to raise these with the Department. Alternatively you are advised of your right to also raise any concerns with the Office of the Ombudsman. Contact details are: Office of the Ombudsman, PO Box 10152, Wellington 6143.

Yours sincerely

 Acting National Commissioner

Jeremy Lightfoot
National Commissioner