



26 September 2012

Mr Trevor Hislop  
Fyi-request-504-C137177@requests.fyi.org.nz

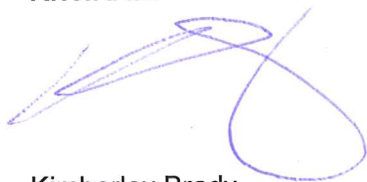
Dear Trevor

**OFFICIAL INFORMATION ACT 1982 REQUEST: QUOTES TO SUPPLY 300 FLAT DECK WAGONS**

1. Thank you for your request for information under the Official Information Act 1982 (OIA), which has been transferred to us from the Office of the Minister for State Owned Enterprises for a response.
2. You have made a request for:  
*All quotes, including New Zealand quotes, for the construction and delivery of 300 flat top rail wagons that was recently awarded to China.*
3. As a State-owned enterprise with a principal purpose to act as a successful business, KiwiRail must prepare and exchange information with its shareholder and other commercial parties in a way that produces the best commercial outcome. This can require maintaining the confidentiality of this information.
4. With reference to the OIA, KiwiRail considers that, with the exception of documents already in the public domain, withholding some of the information you have requested is necessary to:
  - a. protect the respective commercial positions of various people (such as the companies included in your request and KiwiRail itself), which could be unreasonably prejudiced by release of the information (s9(2)(b)(ii));
  - b. protect information which is subject to an obligation of confidence where the release of the information would be likely to prejudice the supply of similar information, or information from the same source (such as industry participants like the companies included in your request), and it is in the public interest that such information should continue to be supplied (s9(2)(ba));
  - c. enable KiwiRail to carry out, without prejudice or disadvantage, its commercial activities and negotiations regarding the wagon procurement (ss9(2)(i) and (j)); and
  - d. prevent the information being used for improper gain or advantage by parties involved in the procurement and by other industry participants (s9(2)(k)).

5. KiwiRail has considered whether withholding this information is outweighed by other considerations which render it desirable, in the public interest, to make this information available, and considers that there are no such countervailing public interest considerations. Accordingly, KiwiRail refuses to release the correspondence you have requested.
6. You have a right under s28(3) of the OIA to seek an investigation and review of this decision by way of complaint to an Ombudsman.

Yours faithfully  
**KIWRAIL**



Kimberley Brady  
Communications Manager