

13 February 2017

Mr Ng
Crimson Education & Crimson Consulting
Email: fyi-request-5190-683860ce@requests.fyi.org.nz

Dear Mr Ng

Official Information Act request # 16.105 - Crimson Education & Crimson Consulting

1. We refer to your request of 9 January 2017 where you have asked to be provided with copies of any complaints that have been made to the Commerce Commission (Commission) about Crimson Education and Crimson Consulting.
2. We have treated this as a request for information under the Official Information Act 1982 (OIA).

Our response

3. The Commission has received only 1 report¹ about Crimson Consulting and none relating to Crimson Education. We have decided not to release it to you under section 9(2)(a) and 9(2)(ba) of the OIA.
4. Section 9(2)(a) provides that information can be withheld if it is necessary to protect the privacy of natural persons. In this particular case all of the information contained in the report would have the potential to identify the complainant. The Commission attempted to contact the complainant to see whether they would consent to the release of the information contained in the report, but was unsuccessful. So, in our view withholding the information is necessary to protect the privacy of the complainant.
5. Section 9(2)(ba) provides that information that is subject to an information of confidence can be withheld if releasing it would be likely to prejudice the supply of similar information and it is in the public interest that such information should continue to be supplied. Reports made to the Commission are generally made in confidence. Complainants are likely to be more cautious when providing the Commission with information in future if we release information that identifies them without their consent.
6. The Commission considers that withholding of the information is not outweighed by other considerations which render it desirable, in the public interest, to make that information available.

¹ The Commission uses the term "report" to refer to a complaint or enquiry. All reports are logged in the Commission's database.

7. Please note more information on the Commission's screening process can be found in the Enforcement Response Guidelines² on the Commission's website.
8. If you are not satisfied with the Commission's response to your OIA request, section 28(3) of the OIA provides you with the right to ask an Ombudsman to investigate and review this response.
9. If you have any questions in regards to this request, please do not hesitate to contact us at uia@comcom.govt.nz

Yours sincerely



Lynette Davidson-Adams
OIA Coordinator

² <http://www.comcom.govt.nz/the-commission/commission-policies/enforcement-response-guidelines/>