

15 June 2017

Mr Luke Chandler

**By email:** [fyi-request-5687-9db36e02@requests.fyi.org.nz](mailto:fyi-request-5687-9db36e02@requests.fyi.org.nz)

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Dear Mr Chandler

**OFFICIAL INFORMATION ACT REQUEST: PIKE RIVER FOOTAGE**

I refer to your request for information dated 6 April, transferred to Solid Energy by the Office of Hon Dr Nick Smith on 4 May and our letter of 1 June which, amongst other things, extended the time to respond to your request.

For completeness I set out your request below:

*"I am requesting all video footage of Pike River Mine (including, but not limited to CCTV, Bore Hole Cameras, Robot Video Footage)"*

As we noted in our letter of 1 June, robot video footage, also held by Solid Energy, was released by the New Zealand Police on 5 May.

Solid Energy holds video footage of a number of boreholes. Other than as set out below, Solid Energy is in the process of uploading the video footage of the boreholes onto our website: <http://coalnz.com/>. As this information will soon be publicly available, Solid Energy does not agree to provide the information in accordance with section 18(d) of the Official Information Act (**Act**) – the information requested is or will soon be publicly available.

In relation to Borehole 47, Solid Energy does not agree to provide the video footage of a section of Borehole 47 that we believe contains an image of a body. Solid Energy does not agree to release this information in accordance with section 9(2)(a) of the Act – to protect the privacy of natural persons, including that of deceased persons, in circumstances where there is not consent from next of kin for disclosure of this information.

We also note that the Royal Commission made a Suppression Order suppressing filming of the CAL scan images or any other images of what is believed to be a body shape. Accordingly we also withhold the section of video for Borehole 47 in accordance with section 18(c) of the Act – making the information available would be contrary to the provisions of a specified enactment (in this case, ss 4 and 4C of the Commissions of Inquiry Act 1908) and/or constitute contempt of court (in this case, the Royal Commission).

In making the decision to withhold the specific information noted above, Solid Energy has considered the public interest considerations in section 9(1) of the Act, but considers the withholding of this information for privacy (and suppression reasons) outweighs any public interest in making this information available.

Under section 28(3) of the Act you are entitled to seek an investigation and review of the above by writing to the Ombudsman.

Yours sincerely



Rob Page

**LEGAL SERVICES MANAGER**