

7 July 2017

Katherine Raue

By email: fyi-request-6022-f25ccf2c@requests.fyi.org.nz

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Dear Ms Raue

OFFICIAL INFORMATION ACT REQUEST: PIKE RIVER FOOTAGE

I refer to your request for information dated 19 June. You requested:

"I request all information you hold regarding the images taken inside the Pike River mine which have been recently "leaked" to the media, including all the images.

This includes all emails regarding these images, all information regarding who had access to them, full details of when they were viewed and by whom, all notes of discussions or minutes of meetings where this footage was discussed, the times and dates the images were captured or acquired, and the exact location of each. I request full details of who knew about these images and when they knew about them - referring to the images recently highlighted in the media, inside the borehole, showing the pallet, spectacles, hoses, etc, the images of the two men inside the mine with the robot, etc.

Please provide all information regarding the reasons that this footage was not drawn to the attention of the commission of inquiry, the Coroner, or the District Court and High Court proceedings which resulted from the deaths of twenty nine men who remain inside a mine you control.

Please also provide all information regarding Solid Energy's discussions regarding the question of re-entry to the mine and all information relied on during the decision making process"

Solid Energy does not know of any images that have been taken of the inside of the Pike River Mine that have been leaked to the media. We assume that information provided to the media was as a result of an official information request by media to the New Zealand Police. Further we do not have any information about why "...this footage was not drawn to the attention of the commission of inquiry..." We are therefore are not able to provide this information in accordance with section 18(g) of the Official Information Act 1982 (**Act**) – the information requested is not held by Solid Energy and we have no reason to believe the information is held by another organisation.

However, Solid Energy does hold video footage of the Pike River Mine. Other than as set out below, the information has uploaded to our website. This can be found at the link: <http://www.solidenergy.co.nz/operations/pike-river-project/>.

Solid Energy has not provided video footage taken from Borehole 47 that Solid Energy believes contains images of one 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.

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 video footage from 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 relation to the last paragraph of your request, the decision by the Board not to re-enter the Pike River Mine drift was made in 2014. A significant amount of information regarding the Board's decision has been uploaded onto the company's website at the website address noted above. This includes technical documents (including risk assessments), the Steering Committee's report and a report to Solid Energy's Board from the Board's advisor on health and safety. As this information is already

available your request is refused on the basis the information is already publicly available – refer to section 18(d) of the Act.

In making the decision to withhold the specific information noted above under 9(2)(a) of the Act , 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

A handwritten signature in black ink, appearing to read 'Rob Page', with a stylized flourish at the end.

Rob Page
LEGAL SERVICES MANAGER