

147 Lambton Quay

PO Box 805

Wellington 6140

New Zealand

Phone +64 4 495 7200

Fax +64 4 495 7222

Website www.dia.govt.nz

15 September 2017

Brendon Woodhead

Via email: fyi-request-6471-9576278b@requests.fyi.org.nz

Dear Mr Woodhead

Official Information Act 1982 (OIA) request dated 23 August 2017 (ref.2017180074)

Thank you for your OIA request to the Department of Internal Affairs dated 23 August 2017. You asked for:

“A copy of the lease for each Manukau Counties Community Facilities Charitable Trust venue, namely Shiraz, Pitch Bar and Sound, Forge2, Boodles Licensed Café and Coyote Bar. The amount of rent paid may be redacted. However, please do not redact the names of the parties and any special conditions”.

The Department does not hold lease agreements for three of the five venues (Shiraz, Pitch Bar & Sound, and Forge 2) as it was not a licensing requirement to provide this documentation until 2010. For this reason I am refusing this part of your request under section 18(g)(i) as the information is not held by the Department and I have no grounds for believing that the information is held by another department, Minister of the Crown, or organisation.

I am withholding the requested information for the remaining two venues in its entirety under the following sections of the OIA:

- *9(2)(b)(ii) – to protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information; and*
- *9(2)(ba)(i) – to protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information would likely to prejudice the supply of similar information, or information from the same source, and it is in the public interest that such information should continue to be supplied.*

The lease documentation for Boodles and Coyote Bar was provided to the Department as part of the licensing process. The Department considers it necessary to withhold the deeds of lease documents to protect commercially sensitive information contained within the document. We consider that the disclosure of this information could weaken the negotiating power of both the landlord and tenants, therefore harming their commercial positions.


The Department also considers these documents are subject to an obligation of confidence. The information was provided to us as part of the licence application process with the expectation that it would be used for its intended purpose and not released to other parties. While the Department can require deeds of lease to be provided for licensing applications, we also rely on societies to provide other high quality information for a number of different purposes, such as compliance. We consider

that releasing the requested documents would be likely to prejudice the supply of information from the same source.

In this particular case I consider that the withholding of information is not outweighed by other considerations which render it desirable, in the public interest, to make that information available. However if you know of any factors that we may not have taken into consideration in making this decision, please let us know.

If you are dissatisfied with my decision on your request for information, you have the right, under section 28 of the OIA, to make a complaint to the Office of the Ombudsman. The Office of the Ombudsman can be contacted by phone on 0800 802 602, via post at PO Box 10152 Wellington or via email to info@ombudsman.parliament.nz.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Trish Millward', with a long horizontal stroke extending to the left and a loop on the right.

Trish Millward
Manager Licensing Compliance