

MUSEUM OF NEW ZEALAND  
TE PAPA TONGAREWA

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Wellington  
New Zealand

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[www.tepapa.govt.nz](http://www.tepapa.govt.nz)

9 April 2018

P L Ford

[fyi-request-7419-9579c3ad@requests.fyi.org.nz](mailto:fyi-request-7419-9579c3ad@requests.fyi.org.nz)

Dear P L Ford



**Re: Official Information Act Request – Te Papa arrangement with Nga Taonga Sound and Vision for storage of flammable nitro-cellulose based items at Whitireia Park**

I am writing in response to your email dated 10 March 2018 in which you requested information under the Official Information Act 1982 in relation to Te Papa's storage arrangement with Nga Taonga Sound and Vision:

*My OIA request is for a copy of the storage agreement between between Te Papa and Nga Taonga Sound and Vision and any associated correspondence.*

Te Papa entered into an arrangement with Nga Taonga Sound and Vision in December 2014 for the short term storage of nitrate-based film. A deposit agreement was drafted but not signed. The intent of the arrangement was agreed and documented by email following discussion with staff at Nga Taonga Sound and Vision. The draft deposit agreement and associated correspondence are attached.

You have the right to seek an investigation and review by the Ombudsman in relation to this request. Information about how to make a complaint is available at [www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz) or freephone 0800 802 602.

If you wish to discuss any aspect of your request with us please contact me, Frances Lawrence, on 021 351 959 or via email on [frances.lawrence@tepapa.govt.nz](mailto:frances.lawrence@tepapa.govt.nz).

Yours sincerely

A handwritten signature in blue ink, appearing to be 'FL' or similar initials, written over the words 'Yours sincerely'.

Frances Lawrence  
**Advisor, Planning & Performance**



NGĀ TAONGA  
SOUND & VISION

Te Anakura Whitiāhua, 84 Taranaki Street, Box 11449 Wellington  
phone: 04 384 7647 fax: 04 382 9595 email: deposits@ngataonga.org.nz

## Deposit Agreement

This is a contractual agreement between Ngā Taonga Sound & Vision and the Depositor:

MUSEUM OF NEW ZEALAND TE PAPA TONGAREWA  
PO BOX 467  
WELLINGTON

### Definitions of Terms

#### Ngā Taonga Sound & Vision

*Operating name for the New Zealand Archive of Film, Television and Sound Ngā Taonga Whitiāhua Me Ngā Taonga Kōrero*

#### DEPOSITOR

*The person or body who deposits a physical item with Ngā Taonga Sound & Vision. The Depositor remains the owner of the Deposited Material [unless it is gifted, or donated unencumbered].*

#### DEPOSITED MATERIAL

*All items deposited with Ngā Taonga Sound & Vision, as listed on the Second Schedule of this document.*

#### COPYRIGHT HOLDER

*The person or body, or the lawful successor to any such person or body, who owns the copyright, of any or all of the Deposited Material, as defined and in accordance with, the Copyright Act 1994, and its later amendments.*

### First Schedule

1.0 Ngā Taonga Sound & Vision **acknowledges the receipt** of the Deposited Material as listed in the Second Schedule of this document.

#### Ngā Taonga Sound & Vision undertakes to:

2.0 Store the Deposited Material in environmentally-controlled vaults for long-term stability.

~~2.1 Preserve the Deposited Material by copying it. The length of time this takes will depend on its priority within Ngā Taonga Sound & Vision's preservation schedule.~~

~~2.2 Once the Deposited Material has been preserved, Ngā Taonga Sound & Vision, if requested by the Depositor, may provide a copy for their use (subject to copyright restrictions) at a reasonable cost.~~

~~3.0 Copyright holders will be contacted for written clearance if Ngā Taonga Sound & Vision receives any third party request regarding their material. The copyright holder retains the right to negotiate their own royalty fees.~~

~~3.1 Ngā Taonga Sound & Vision will also contact depositors (if non-copyright holders) to advise them if their material is to be used for any purpose outside of Ngā Taonga Sound & Vision jurisdiction.~~

~~3.2 Ngā Taonga Sound & Vision is committed to ensuring appropriate cultural use of Deposited Materials with significant Māori content. To this end, there exist memoranda of understanding with relevant whānau, hapu and iwi, which acknowledge their *whānau* relationship to such material.~~

~~4.0 The Copyright Holder / Depositor hereby acknowledges that, in accordance with exemptions from infringement as listed in the Copyright Act 1994, the Ngā Taonga Sound & Vision may:~~

~~4.1 Make the Deposited Material publicly accessible, subject to preservation imperatives, for research and viewing at Ngā Taonga Sound & Vision offices and access sites. This process may include the use of non-reproducible reference copies only.~~

~~4.2 Show the Deposited Material to a public audience, under the jurisdiction of Ngā Taonga Sound & Vision, to promote an awareness of New Zealand's heritage or to promote the role of the Ngā Taonga Sound & Vision, and where no profit is made from the showing.~~



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5.0 Ngā Taonga Sound & Vision undertakes to preserve and administer the Deposited Material in accordance with its strict handling, storage and preservation standards. ~~Copies made for the purposes of preservation and access shall remain the physical property of the Ngā Taonga Sound & Vision, but in all other respects be subject to the same terms and conditions of this agreement.~~

~~6.0 Ngā Taonga Sound & Vision will record descriptive information about the content of the Deposited Material on a publicly accessible catalogue, and may also select images from the deposited material (moving or still) to display on this catalogue.~~

7.0 Upon reasonable notice to the Ngā Taonga Sound & Vision, the Depositor, or their agent, may withdraw the Deposited Material, either temporarily or permanently. The Depositor is only entitled to uplift the original item(s) deposited, ~~and not any subsequent formats generated by the Ngā Taonga Sound & Vision for preservation. Prior to its removal the Depositor shall allow the Ngā Taonga Sound & Vision to make a copy, at its own expense (if this has not already been done).~~

8.0 This agreement is valid for as long as Ngā Taonga Sound & Vision retains the Deposited Material. If Ngā Taonga Sound & Vision *either* decides the material no longer fits its collection policy, *or* if the physical condition of the material indicates it has come to the end of its useful life, Ngā Taonga Sound & Vision will offer the Deposited Material back to the Depositor.

8.1 The Depositor is urged to supply Ngā Taonga Sound & Vision with alternative contact details (preferable next of kin).

9.0 The Depositor may wish to impose specific restrictions regarding access to their Deposited Material. These matters may be discussed with Ngā Taonga Sound & Vision staff at any time.

~~10.0 I do / do not claim copyright on this deposit~~

Released under the Official Information Act



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SOUND & VISION

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#### Supplement to Deposit Agreement

The Depositor will insure the Deposited Material throughout the period that is stored by Ngā Taonga Sound & Vision.

The depositor will continue to manage copyright and other intellectual property rights for the deposited material.

The depositor retains the responsibility to provide a publicly accessible catalogue of the deposited material. Any requests for access to the deposited will be directed to the depositor.

The Depositor will provide at least 5 working days notice of any request for its staff to physically access the deposited material.

Ngā Taonga will not move the deposited material within the vault, or between vaults, without prior approval of the depositor.

This agreement will be reviewed by both parties every six months.

Description of deposited material

Signed for Ngā Taonga Sound & Vision

Signed for Museum of New Zealand Te Papa Tongarewa

Agreement review date

Released under the Official Information Act



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**From:**  
**Sent:** Thursday, 18 December 2014 4:41 PM  
**To:**  
**Cc:**  
**Subject:** please review - Draft Deposit Agreement with Nga Taonga for storage of our nitrate sheet film  
**Attachments:** Te Papa 9278.pdf; ATT00001.htm  
**Importance:** High

Hi

I sent the changes we discussed in general terms earlier this week through to [redacted] as a draft in case he wanted to make changes, with a note that I'd have to have the wording checked by a senior manager here. Are you the right person for that, or if not could you please forward it on?

Nga Taonga are happy with my suggested wording – see attachment from [redacted] which shows the deletions and also the additional clauses I suggested on the last page. I do need to add a description of what we have deposited with them, but it would be great if someone could review the other wording now so we can get the Agreement in place ASAP.

Thank you,

Museum of New Zealand Te Papa Tongarewa  
T 04 381 7000 DDI 04 381 7517

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**From:** [redacted] mailto:  
**Sent:** Thursday, 18 December 2014 3:28 p.m.  
**To:**  
**Subject:** Draft Deposit Agreement

Hi

We just need a nice description of what is in our vault i.e. sixty mumble boxes of . . .

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**From:**  
**Sent:** Wednesday, 17 December 2014 2:47 PM  
**To:**  
**Subject:** Re: nitrate from Te Papa - deposit agreement

Hi

That should be fine except I think you'll be taking me again - our one vehicle is already in use (Xmas supply shopping). See you at Te Papa at 1pm.

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On 17/12/2014, at 2:19 pm,

wrote:

Thanks

Would 1.30 tomorrow at Whitireia suit, or is that too close to lunch?

I'll send you an annotated copy of the deposit agreement later.

cheers

Museum of New Zealand Te Papa Tongarewa  
T 04 381 7000 DDI 04 381 7517

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**From:** [mailto:  
**Sent:** Wednesday, 17 December 2014 11:25 a.m.  
**To:**  
**Subject:** Re: nitrate from Te Papa - deposit agreement

HI

That's a good idea - send us an annotated copy with your suggestions. We may simply cross out irrelevant passages and add the rest as a letter as part of the second schedule. Can you also quantify exactly what has been placed in the vault e.g. 48 archive boxes (dimensions) containing mixed nitrate and acetate sheet film negatives.

Let me know when you want to do the last trip tomorrow (not lunchtime).

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On 16/12/2014, at 5:59 pm,

wrote:

Hi again

Regarding your suggestion that our nitrate is deposited with Nga Taonga in the short term – I've discussed this with [redacted] and we agree that's a good idea. We would like to suggest some changes to the deposit agreement to reflect the difference in circumstances between what would be our deposit, and a standard deposit. I.e.

- delete the requirement on Nga Taonga to copy / actively preserve the items, and make the copies available publicly, as that will remain Te Papa's responsibility;
- remove or alter the clauses regarding copyright, as these will not apply in their current form if the material is not being copied or made publicly available by Nga Taonga;
- delete the clause/s stating Nga Taonga will list the items publicly;
- add a clause stating that Te Papa will insure the collection while it is in Nga Taonga's care;
- add a clause that the Agreement will be reviewed by a certain date.

How does this sound? We could send you an annotated copy for you to say yea or nay to if that's helpful?

Best,

Museum of New Zealand Te Papa Tongarewa  
T 04 381 7000 DD 04 381 7517

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**From:**  
**Sent:** Tuesday, 16 December 2014 4:21 p.m.  
**To:**  
**Subject:** RE: Nitrate transport on Tuesday

Hi

We did two trips today, [redacted] and [redacted] were great. We placed the bulk of the film on a plastic pallet under the table, but there are still about 20 boxes on the table. I'll try a more creative fit on our next trip.

We will need to do one more trip – is later Thursday morning, or early Thursday afternoon, OK? We may also need a second trip although I don't think so at this point.

Let me know what suits at your end. Talk to you soon

Museum of New Zealand Te Papa Tongarewa  
T 04 381 7000 DDI 04 381 7517

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**From:** <mailto:>  
**Sent:** Monday, 15 December 2014 4:11 p.m.  
**To:**  
**Subject:** Re: Nitrate transport on Tuesday

I will try and round up somebody for the afternoon.

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On 15/12/2014, at 3:53 pm,

wrote:

Hi

Thank you - we can do 11am. If it is possible to do another 1-2 trips in the afternoon, that would be great. Otherwise, could we arrange to do several trips on Wed or Thur?

Best,

Museum of New Zealand Te Papa Tongarewa  
T 04 381 7000 DDI 04 381 7517

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**From:** <mailto:>  
**Sent:** Monday, 15 December 2014 3:45 p.m.  
**To:**  
**Cc:**  
**Subject:** Nitrate transport on Tuesday

Hi and

Let me know when you are planning another trip - I can have my guy meet you out there 10.30am or 11am.  
Otherwise I'm a bit stuck - could probably find somebody for you in the afternoon if needed.



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On 15/12/2014, at 12:32 pm,

wrote:

Hi

We have the extinguisher but not the fire blanket, so if you could bring the fire blanket that would be greatly appreciated

Many Thanks

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**From:** [mailto:  
**Sent:** Monday, 15 December 2014 11:57 a.m.  
**To:**  
**Cc:**  
**Subject:** Re: Nitrate transport this afternoon

Hi

I will come by a bit after 1pm with a small bag of stuff although [redacted] tells me you have an extinguisher and fire blanket so I might leave those heavy items at home.  
It takes 25 minutes to drive to the Whitiwhiti (Titahi Bay) site so we need to leave by 2pm to meet your security people. See you this afternoon.

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On 12/12/2014, at 6:05 pm,

wrote:

Afternoon [redacted] and team

Just letting you know I have booked in [redacted] from Redwolf Security and [redacted] from Setpoint Solutions to meet me at Titahi Bay at 2.30pm. Hoping to time this in with the move re access

Also, steel boxes are here and look good

Cheers

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**From:**  
**Sent:** Friday, 12 December 2014 11:22 a.m.  
**To:**  
**Cc:**  
**Subject:** RE: Nitrate transport this afternoon

Hi

Good to talk to you just now – just confirming that as we're waiting on steel cases longer than planned, we have rescheduled the move for 1pm next Monday.

Thanks for offering to come down to us and train our team in the necessary safety procedures. If you come to our staff entrance, I'll come and pick you up.

Have a great weekend,

Museum of New Zealand Te Papa Tongarewa  
T 04 381 7000 DDI 04 381 7517

**From:** [mailto:  
**Sent:** Friday, 12 December 2014 11:12 a.m.  
**To:**  
**Subject:** Nitrate transport this afternoon

Hi

I will come with you this afternoon if that is OK. I'll bring a wee bag of stuff to your staff entrance around 1.15pm if that suits.

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[www.ngataonga.org.nz](http://www.ngataonga.org.nz)

On 11/12/2014, at 8:29 pm,

wrote:

Hi

Apologies for the confusion

Yes, after speaking to the team we would appreciate the signage, documentation etc

Thanks very much

Cheers

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**From:** [mailto:  
**Sent:** Thursday, 11 December 2014 3:31 p.m.  
**To:**  
**Subject:** Re: Access

Thanks

had talked to me but you talked about access next week - all clear. Do you want nitrate transporting signage, documentation etc?

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On 11/12/2014, at 3:24 pm,

Note:

Hi

We are planning to move a small amount (3 steel boxes I believe) tomorrow afternoon, I had thought had been in touch re this although she may have been waiting for confirmation on a few details before committing

I have insurance in place from our end, it was simply a matter of supplying site location and details about the site, as well as values to our insurer, they have confirmed to me that we are all good to go.

Cheers

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**From:** [mailto:  
**Sent:** Thursday, 11 December 2014 3:19 p.m.  
**To:**  
**Subject:** Re: Access

Hi

No internet capability. Are you still planning to move anything tomorrow?

Access should be possible - I am wondering if you have considered legal and insurance aspects of putting your material with us?

We probably need some sort of signed understanding regarding the fact that the collections are not insured and that we will not be held responsible for any damage or destruction of your materials while they are in the vault. This is complicated by it being a 3-way arrangement and I'm sure Archives NZ are considering the same issues.

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On 11/12/2014, at 2:49 pm,

wrote:

Hi

Just wanted to touch base re access to the site for next week...

Is it possible for certain members of our team to be granted access, and to get a copy of the key and the alarm code etc?

Also, can you tell me if you have internet capability in the building?

Thanks

Museum of New Zealand Te Papa Tongarewa  
PO Box 467  
WELLINGTON  
04 381 7422  
029 491 4790

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Visit the Te Papa website <http://www.tepapa.govt.nz>

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