



National Headquarters
Level 12
80 The Terrace
PO Box 2133
Wellington
New Zealand

Phone +64 4 496 3600

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Richard Clark

By email: fyi-request-7533-f03c40af@requests.fyi.org.nz

Dear Richard

Information Request – comms related to licensing the NZ localities dataset under Creative Commons license since January 2014

We refer to your official information request received by Fire and Emergency New Zealand (FENZ) on 28 March 2018. You requested: *the content of communications made internally or with QV, NZ Post or LINZ related to licensing the NZ Localities dataset under the Creative Commons license since January 2014.*

FENZ considered your request under the provisions of the Official Information Act 1982 (OIA), and wrote to you on 27 April 2017. In that letter, we informed you that FENZ had made decisions to:

- provide you with the information you requested in summary form, in accordance with subsection 16(3) of the OIA; and
- extend the timeframe to provide that information to you in accordance with subsection 15A(1) of the OIA.

Due to the substantial number of documents that fall within the scope of your request, to identify, collate, and provide each one would impair the efficient operation of FENZ's activities.

We're pleased to now provide the information to you on **Schedule 2** and **Schedule 3** overleaf. We apologise for the length of our response, which was necessary to explain the manner in which emergency service providers rely on the NZ Localities dataset, and the resources that FENZ has invested into sharing the dataset with the public.

We would be happy to answer any further question you may have. Additionally, if you would like a copy of the current version of the NZ Localities dataset, please contact dsi-support@fireandemergency.nz or 04-496 3600.

Yours sincerely

Leigh Deuchars
Director, Office of the Chief Executive

SCHEDULE 2. RESPONSE TO YOUR REQUEST

You asked: Please provide the content of communications made internally or with QV, NZ Post or LINZ related to licensing the NZ Localities dataset under the Creative Commons license since January 2014

Background to FENZ and the NZ Localities Dataset

1. As noted in our letter to you on 27 April 2017, Fire and Emergency New Zealand (**FENZ**) is providing the information you requested in summary form in accordance with subsection 16(3) of the Official Information Act 1982.
2. As this summary includes events that took place prior to 1 July 2017, when we refer to actions undertaken by our organisation prior to 1 July 2017, those were actions of FENZ's predecessor, the New Zealand Fire Service Commission ('**NZFS**'). NZFS, the National Rural Fire Authority, and over 30 rural fire authorities were unified to form FENZ, on 1 July 2017, by the Fire and Emergency New Zealand Act 2017.
3. The NZ Localities Dataset (**NZ Localities / Dataset**) is a geospatial dataset made up of a number of GIS layers and auxiliary tables. It includes a layer of *locality* boundaries and names (in urban areas, localities are broadly equivalent to suburbs). Where possible, boundaries along which one locality ends, and another locality begins, are determined using information supplied by territorial authorities. Where that is not possible, those boundaries are determined in accordance with principles that promote the timely and efficiency arrival of emergency services at the scene of an incident.
4. NZ Localities was built by NZFS and a consortium of public sector and local government agencies. It is presently managed and maintained by FENZ, and updated approximately once every calendar quarter. The Dataset is integrated into the software used at FENZ's emergency call centres to manage emergency calls, and despatch appropriate emergency resources to necessary locations.
5. FENZ and other emergency services providers rely on the Dataset for the following purposes:
 - a. to verify the location of emergency callers;
 - b. to determine the particular resources that that should be used to appropriately respond to the emergency;
 - c. to determine the appropriate station to despatch emergency services from (to achieve the fastest response time to the incident);
 - d. to determine the fastest route of travel to the incident; and
 - e. to ensure that other necessary emergency service agencies (such as ambulance and police) are also despatched to the appropriate location.
6. As emergencies (and in particular, fires) escalate very quickly, time is of the essence when responding to emergencies, and can make a vital difference to saving lives and minimising property damage.

Key internal and external discussions are set out at Schedule 3

7. FENZ has exchanged a large volume of communications relating to making NZ Localities available using the Creative Commons licencing regime during the period that you are interested in.
8. As that correspondence includes a high volume of correspondence and a number of meetings, we have set out a summary of the key internal and external discussions that have taken place at **Schedule 3**.
9. In addition, we provide the information below to explain the certain context and history relevant to the Dataset.

FENZ encourages the wide use of NZ Localities by the public

10. FENZ encourages the wide use of NZ Localities, and provides the most current Dataset to the public free of charge. If you would like a copy, please contact FENZ on **dsi-support@fireandemergency.nz** or 04-496 3600.
11. To ensure that any use of NZ Localities outside of FENZ's ICT environment does not adversely affect the ability of emergency responses to respond to incidents, FENZ allows the use of the Dataset by other organisations provided that they agree to certain criteria.
12. In this letter, we refer to those criteria as the **Currency Responsibilities**, and the potential delays in the time taken by emergency services to respond to incidents as the **Public Risk**. We explain both of those, and the background to the Dataset, in more detail below.

The Currency Responsibilities mitigate the Public Risk

13. As we note above, FENZ provides copies of the Dataset to the public free of charge. The way those recipients use the Dataset varies, but it is commonly used by companies that develop GPS devices, geolocation-based apps, or geo-location databases. These devices and apps are used by consumers and can be referred to when consumers are determining their location in an emergency.
14. Those Currency Responsibilities are designed to ensure that the location information relied on by people that require emergency services matches the location information being used by emergency service contacts centres. Those responsibilities include:
 - a. When FENZ updates or revises the Dataset, it must provide people who had received earlier versions of the Dataset with the updated version;
 - b. People who had received earlier versions of the Dataset must use the most current version provided by FENZ at all times (and must not use or distribute superseded versions of the Dataset);
 - c. Before providing the Dataset to any third parties, recipients must ensure that those third parties also commit to similar responsibilities regarding using only the most current version of the Dataset (and not using or distributing superseded versions of the Dataset); and
 - d. Recipients must not modify the Dataset.

15. Recipients enter into a licence agreement that enter into sets out these responsibilities in full.

The development and use of NZ Localities by emergency service providers

16. As the Currency Responsibilities and the Public Risk are best understood in the context of why NZ Localities was developed, and how it is used by emergency services, we briefly set this out below.
17. NZ Localities was developed in 2005 by NZFS and a consortium of public sector and local government agencies. The Dataset is integrated into the software used at NZFS's emergency contact centres, and used by emergency service providers for the purposes we noted in paragraph 5.
18. Prior to NZ Localities being developed, emergency services were often deployed to inaccurate locations due to ambiguity, or inconsistency, in how localities were referred to or recorded through New Zealand. As a consequence, delays were experienced between the time that emergency calls were received at a FENZ call centre, and the time that emergency services arrived at the appropriate location (in some instances, due to these inconsistencies, emergency services were occasionally despatched to incorrect locations). Because fires grow in intensity rapidly, those delays potentially increased the risks of damage to the lives and property of New Zealand communities.
19. NZ Localities helps to mitigate those issues by providing an accurate source of locality information that allows for emergency services to quickly and correctly make a number of critical location-based decisions.
20. The Dataset achieves this by:
 - a. operating as a single common layer across emergency services agencies;
 - b. providing 100% interlocked coverage of New Zealand's land area;
 - c. being free of 'gaps', ambiguity, or confusion regarding the locality of a given address;
 - d. being available to other emergency service providers (allowing all response agencies to develop a reliable common operating pictures).

How the Currency Responsibilities mitigate the Public Risk

21. The Public Risk arises when recipients of NZ Localities from FENZ *modify* their version of the Dataset, *fail to update* the Dataset with subsequent versions provided by FENZ, or distribute modified or outdated versions of the Dataset to other third parties.
22. If any third parties are using in accurate or out of date versions of their Dataset and distributing this information to their consumers or other members of the public, and that individual then tries to use this information during an emergency call, the risk is that the locality names and boundaries being referred to by the emergency caller may not match the locality names and boundaries being relied on by FENZ emergency call centre for the purposes (which are described in paragraph 5). This would cause delays in verifying the location of emergency callers, determining the resources required to address the emergency, and those resources arriving at the required scene – and consequently lead to greater injuries, loss of life, or damage to property.

23. The Office of the Ombudsman has acknowledged that having recipients of NZ Localities enter into the Currency Responsibilities is an appropriate means of protecting New Zealand communities, while also allowing the public to have access to the Dataset.

Future licensing of NZ Localities

24. FENZ is conscious that the technology landscape on which datasets can be distributed and maintained is rapidly evolving. FENZ is presently assessing the potential for NZ Localities to be made available to the public in real-time on its public website. If that is appropriate, and the Public Risk can be appropriately mitigated, FENZ anticipates making the Dataset available pursuant to a Creative Commons licence.

SCHEDULE 3. SUMMARY OF KEY INTERNAL AND EXTERNAL COMMUNICATIONS

Year	Event
2013 - 2014	<p>Initial assessments were made regarding how NZ Localities could be licenced in accordance with the New Zealand Government Open Access and Licencing framework (NZGOAL)/</p> <p>Initial assessments were also made regarding whether NZ Localities should be considered to be a <i>Fundamental Dataset</i>, and whether NZFS would be an appropriate <i>Custodian</i> of the Dataset (as those terms are defined by NZGOAL) /</p> <p>Consultation took place between New Zealand Post, Quotable Value, and other contributors to, and users of, the Dataset.</p>
2014	<p>The Ombudsman’s Decision on the Request for the New Zealand Localities Dataset was issued.</p>
2014 – 2016	<p>Detailed assessments were made regarding the appropriateness of licencing NZ Localities pursuant to a Creative Commons licence. Those assessments concluded that a CC-BY licence was likely to be inappropriate because it would:</p> <ol style="list-style-type: none"> a. be contrary to the public interest in having a single authoritative and non-adapted version of a specific data source (paragraph 26(e) of NZGOAL); and b. result in the release of an incomplete work or incomplete material where the release would be materially misleading or likely to cause or contribute to material error by recipients or licensees, and the use of disclaimers or statements might not adequately mitigate this risk (paragraph 26(f) of NZGOAL). <p>Detailed assessments were made regarding whether NZ Localities should be considered to be a <i>Fundamental Dataset</i> (as that terms is defined by NZGOAL).</p> <p>Those assessments included consultations with New Zealand Post, Quotable Value, and other contributors to, and users of, the Dataset.</p> <p>The assessments found that, while it may be appropriate for NZ Localities to receive <i>Fundamental Dataset</i> status, NZFS did not have the appropriate resources to achieve that.</p>
2015 – 2016	<p>Detailed assessments were undertaken regarding the feasibility of NZFS becoming an <i>Official Custodian</i> of NZ Localities (as that terms is defined by NZGOAL). This was considered to be an desirable step in light of the importance of the integrity of the data for emergency service purposes. It required an application to satisfy a number of requirements, and to a number of steps to be completed, as set out in the How to become a custodian of a fundamental dataset document published by Land Information New Zealand.</p> <p>The detailed assessments found that NZFS did not have the appropriate resources to obtain, and maintain, status as <i>Official Custodian</i> of NZ Localities.</p>

2016 - 2018	<p>For the purpose of exploring further means of providing the Dataset pursuant to a creative commons licence:</p> <ul style="list-style-type: none">• FENZ representatives attended a NZ Government Open Access Licensing Summit jointly hosted by the Ministry of Business, Innovation, and Employment and Creative Commons Aotearoa; and• FENZ representatives met with representatives from the Department of Internal Affairs, Land Information New Zealand, Quotable Value, and New Zealand Post.
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