



1 October 2018

Level 9, 44 The Terrace
PO Box 27048
Wellington, New Zealand 6141
P +64 4 462 5200
www.tec.govt.nz

Stuart Yeates

fyi-request-8445-154535ad@requests.fyi.org.nz

Dear Stuart

Thank you for your email of 6 August 2018 requesting data from the Performance-Based Research Fund Quality Evaluation results under the Official Information Act 1982 (the Act).

Your request

You requested:

"the following details of portfolios submitted under the Performance-Based Research Fund.

...

(1) All evidence portfolios (including evidence portfolio components, panels and etc) where 'ContainsConfidentialResearch' is false that have not been marked as deleted, including all fields, excluding name and date of birth.

(2) All researchers, including all fields, excluding name and date of birth.

(3) All researchers, including all fields, excluding date of birth, where the researcher is part of an evidence portfolios where 'ContainsConfidentialResearch' is true that have not been marked as deleted.

...

(4) For each TEO contributing to PBRF:

(a) The name of the TEO,

(b) A count of the number of evidence portfolios submitted where 'ContainsConfidentialResearch' is true

(c) A count of the number of evidence portfolios submitted where 'ContainsConfidentialResearch' is false

(d) A count of the number of evidence portfolios submitted that have been marked as deleted.

(e) A list of EvidencePortfolioID's submitted by the TEO

...

(5) For each evidence portfolio:

(a) The associated Researcher name fields

(b) Any and all associated Researcher LocalIdentifier fields

(c) Any and all associated MainResearchObject URI fields

(d) Any and all associated SupportingObjectURI fields

(e) Any and all associated Bibliographic details/Description fields".



In relation to the information requested in items (1) to (3) above, you stated that:

"Terminology used in this request is taken from the PBRF Schema Definition <http://www.tec.govt.nz/assets/Forms-temp...> I request the data in XML format that meets the schema definition to the extent possible while excluding fields I have explicitly asked to be excluded. Raw SQL dump or similar is also acceptable, as is a spreadsheet of flattened data, if all the data and relationships are present and can be read programmatically."

In relation to the information requested in items (4) and (5) above, you stated that:

"The following requested information does not naturally fit with the schema, so any directly machine readable format (CSV, Word, Excell, etc) is acceptable (image-based PDF or similar is not)."

After you made your request, we clarified with you that information in 4(d) could not be provided because it does not exist.

Information that we are providing to you

We will provide you with the following count data set out in point 4(a) to (c) of your request:

"(4) For each TEO contributing to PBRF:

(a) The name of the TEO,

(b) A count of the number of evidence portfolios submitted where 'ContainsConfidentialResearch' is true

(c) A count of the number of evidence portfolios submitted where 'ContainsConfidentialResearch' is false."

However, it will take us some time to collate and prepare this information for release. We intend to send you this information as soon as possible, and no later than 22 October 2018.

Information that we are not providing to you: item 4 (d) and 4(e)

We are declining your request for information sought in 4(d) under section 18(e) of the Act as this information does not exist.

We are withholding the information in item 4(e) under section 9(2)(a) of the Act. That section allows the Tertiary Education Commission (TEC) to withhold information if necessary to protect the privacy of natural persons.

The EvidencePortfolioIDs submitted by the TEOs is personal information, being information held about identifiable individuals. It is not in the public domain.

Withholding the information is necessary to protect the privacy of individual researchers. Releasing the information would reveal employment details about the persons to whom it relates, which is information of a kind that most people would not usually wish to have disclosed.



The TEC has consulted with TEOs regarding the release of the information and many TEOs have raised concerns about the release of information that could be used to identify individuals.

The Ombudsman has stated that the circumstances in which the information is held by an agency is relevant to the extent to which the disclosure of the information would infringe a person's privacy. The information is held by the TEC as part of the confidential PBRF process, which strengthens the privacy interest in the information.

We have considered whether the privacy interest identified is outweighed by other considerations which render it desirable, in the public interest to make the information available. We are of the view that the privacy interest is not outweighed by public interest considerations.

Information that we are not providing to you: items (1) to (3) and (5)

We have decided to withhold the information in items (1) to (3) and (5) under sections 9(2)(a) and 9(2)(ba)(i) of the Act. These sections allow the TEC to withhold information that is necessary to protect the privacy of individuals, and information which is subject to an obligation of confidence, where the making available of the information would be likely to prejudice the supply of similar information, or information from the same source, and it is in public interest that such information should continue to be supplied.

Information is subject to an obligation of confidence

The information is subject to an obligation of confidence. The TEC considers that there is a mutual understanding between the suppliers of the information (individual researchers and TEOs) and the agency receiving the information (the TEC) that the information will be kept confidential. Great care is taken to ensure that individual researchers are not identified at any stage in the PBRF process. Researchers may request their own results, but the TEC will only release results if it is satisfied of the researcher's identity (see page 18, "Performance-Based Research Fund: A guide for staff members participating in the 2018 Quality Evaluation"). Evidence portfolios, associated evidence, and assessment information related to evidence portfolios, are defined by the TEC as confidential information, and panellists in the PBRF process must comply with the TEC's confidentiality policy. The TEC has systems and processes to ensure the confidentiality of evidence portfolios, including that evidence portfolios must be destroyed or returned to the TEC after the assessment process is completed.

Release would prejudice the supply of similar information and information from the same sources

The release of the information is likely to prejudice the supply of similar information and information from the same sources.



The information being supplied is sensitive, and has been provided against the background of academic research being competitive in nature. The TEC is concerned that researchers may be deterred from providing information for their TEO to submit to the TEC (or would provide information in less detail) if evidence portfolios were made public. This would ultimately diminish the quality of the PBRF process and consequent funding decisions.

In addition, the TEC has consulted with TEOs regarding their views about release. The vast majority of the feedback was that the information should not be released. Many TEOs expressed strong concern that the release of the requested information would compromise and threaten the current process and future PBRF rounds.

Given the high level of concern from TEOs regarding the release of the information, the TEC is concerned that disclosing the information would be likely to jeopardise the relationship between the TEC and the TEOs, because the TEOs may no longer trust the TEC to hold the information in confidence. This may result in prejudice to the future supply of similar information from individual researchers to TEOs and from TEOs to the TEC. As already mentioned, this would diminish the quality of the PBRF process and consequent funding decisions.

It is in the public interest that the information continued to be supplied

It is in the public interest that the information and evidence portfolios should continue to be supplied. The TEC needs the information in evidence portfolios to assess the quality of academic research being carried out in New Zealand and to make funding decisions. It is in the public interests that those funding decisions are made in a robust way. There is also public interest in the TEC being able to honour its implied promise of confidentiality to TEOs and individual researchers.

Withholding interest not outweighed by other public interest considerations

We have considered whether the interest in withholding the information is outweighed by other considerations which render it desirable in the public interest, to make that information available. You have stated that there is public interest in the information because of the cost of aggregating information for the purposes of PBRF (that is, that there is public interest in ensuring accountability for the PBRF process). There is also public interest in scrutiny for funding decisions made by the TEC.

We agree that there is public interest in those matters. However, we consider the public interest is already met by information published by the TEC at the following link <http://www.tec.govt.nz/funding/funding-and-performance/funding/funder/performance-based-research-fund/previous-quality-evaluation-rounds/>.

In any case, any public interest in the application details is significantly outweighed by the public interest in maintaining the integrity of the PBRF process and in the protection of the



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researchers' continued career success through the protection of information about their research.

Conclusion

We have consulted with you in an attempt to refine the request in way such that it could be met by the TEC. However, you were unable to refine the request in a way that assisted us in providing a feasible response. We remain willing to provide you with further assistance if you are willing to refine your request.

You have the right to seek an investigation and review by the Ombudsman of this decision. Information about how to make a complaint is available at www.ombudsman.parliament.nz or Freephone 0800 802 602.

If you wish to discuss this decision with us, please feel free to contact us.

Kind regards



Tim Fowler
Chief Executive



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