

ENQ-34492-P4Z7B3

2 October 2018

Alex Harris

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Official Information Act Request

Dear Mr Harris

I refer to your request received by the Environmental Protection Authority (EPA) on 13 August 2018, for the following information:

"All information relating to, or provided by, Thompson and Clark Private Investigations between the years 2014-2018 held by your agency".

Your request is being considered under the Official Information Act 1982 (the OIA).

The EPA has not contracted the services of Thomson and Clark Private Investigations (TCIL). The only information that the EPA holds discussing TCIL is in relation to the current State Services Commission (SSC) Inquiry underway into the use of external security consultants, particularly TCIL, by the state sector.

The EPA received a letter from Doug Martin, Inquiry Head, on behalf of the SSC on 23 July 2018. The letter requested information on any interactions between EPA and TCIL or any other external security consultants.

The letter from Doug Martin is being withheld under section 6(c) of the OIA, as making this information available would likely prejudice the maintenance of the law. The letter from Doug Martin contains specific details of the investigation, and release of it would likely prejudice the outcome of the investigation.

However, Martin Jenkins Consultants have informed us they plan to proactively release all material once the inquiry is complete, and a summary of our response to their letter is detailed below.

The only other relevant information we hold is advice in an internal email from the General Counsel about the SSC Inquiry. This email is legal advice and protected by legal professional privilege. As a result we are withholding the email under section 9(2)(h) of the OIA. Withholding this email is necessary to maintain legal professional privilege, and the interest in maintaining legal professional privilege is not outweighed by other considerations which render it desirable, in public interest, to make that information available.

The EPA responded to the SSC Inquiry on 20 August 2018. Our response outlined that the EPA has not contracted the services of TCIL or any other external security consultants, nor does it hold any record of engaging services in a less formal way, for example by way of email exchange. The response outlined that there have been instances where other organisations have included us in correspondence that also

included TCIL in copy, and also instances where operators sent us notifications which included TCIL in copy. None of these instances involved direct correspondence between the EPA and TCIL, and as such they have not been included within the scope of 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 have any further queries please do not hesitate to contact us via ministerials@epa.govt.nz.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Doug Jones', with a long horizontal flourish extending to the right.

Doug Jones
Acting Chief Executive