



OIA16-0039

26 FEB 2016

Dear

OFFICIAL INFORMATION ACT REQUEST

I refer to your email of 3 February 2016 in regard to our response to your official information request of 15 December 2015 (ref OIA15-0315). You requested:

"...an explanation/reasons for the basis on which MPI considers the release of the buyer's name and address would "be likely unreasonably to prejudice the commercial position of the person ... who is the subject of the information" for the purposes of s 9(2)(b)(ii) of the OIA.

Specifically, please explain:

- (a) What is the nature of the prejudice believes could occur?*
- (b) Why MPI believes that prejudice is likely to occur?*
- (c) Why MPI believes that prejudice is unreasonable?"*

The information at issue is specific details (company/individual names and contact details) of international importers of swamp kauri. This information is provided to MPI by the exporter in the course of MPI performing its statutory functions. Releasing the information would expose the identity of the exporter's customer. MPI considers this likely to unreasonably prejudice the commercial position of the person who supplied the information and has established such commercial relationships.

MPI is also proactively publishing all OIA responses to the MPI website because of public interest in swamp kauri matters. This means that access to this information will be broader than is the case where OIA responses are released only to the requestor. This increases the risk of likely prejudice to the person's commercial position.

In making our decision we considered whether withholding the information would be outweighed by other considerations which render it desirable, in the public interest, to make that information available. MPI accepts that there is a public interest in the export of swamp kauri. That public interest has been focussed on whether MPI is correctly applying the milling and export controls in relation to swamp kauri. Consistent with that public interest, information is being released that details the source of the timber and the form of the product being exported. This information is the key basis for making decisions on exports, and allows for public scrutiny of the regulation of the sector. Likewise, this information can be released without prejudicing the commercial position of the person who supplied the information.

In this case we do not consider that the public interest in the specific foreign companies or individuals importing swamp kauri products outweighs the reason for withholding the information.

You have the right under section 28(3) of the OIA to seek an investigation and review by the Ombudsman of our decision to withhold this information.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Stuart Anderson', written in a cursive style.

Stuart Anderson
Director Spatial, Forestry & Land Management