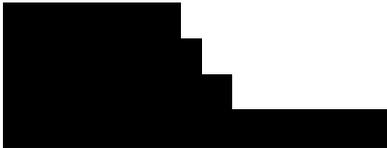




30 September 2022



By email: [REDACTED]

Tēnā koe [REDACTED]

Official Information request and response

Thank you for your request under the Official Information Act ("OIA") dated 8 August 2022.

You have requested:

The following information over the period of the last 36 months to the present day:

- 1. Copies of all correspondence (whether electronic or hard copy) from any external parties to NZ ON Air and/or PIJF concerning Crux Publications Ltd and our website Crux - or concerning the Managing Editor of Crux in that capacity or as a private citizen/journalist.*
- 2. All replies and responses from NZ ON Air / PIJF to the correspondence and any internal emails that discuss the formulation of such replies.*
- 3. The policy of NZ On Air and PIJF on protecting the identity of people making contact re: Crux (or any other content provider) - to be clear this means is it possible/acceptable for someone/an organisation asking a question or making a complaint to hide their identity behind a law firm or other intermediary?*

Please see below our response to your request:

1. We decline to release copies of the correspondence under [section 9\(2\)\(a\)](#) of the OIA. However, in trying to meet the aims of your request, NZ On Air has summarised the correspondence that falls within the scope of your request.

The below is a summary of the correspondence NZ On Air has received that fall within the 36-month scope of your request:

- a. One individual made a complaint about correspondence they had had with the Managing Editor of Crux via email and the subsequent behaviour of the Managing Editor in response to that correspondence. The NZ On Air staff member that responded to the complainant advised the complainant NZ On Air could not take any action and suggested they contact the Media Council. In further correspondence, the complainant acknowledged that NZ On Air cannot take any action however they wanted to make the complaint as a matter of record. This complaint did not relate to any of Crux's activities that are funded by NZ On Air.
 - b. One individual expressed concern about the character of Crux's Managing Editor and whether NZ On Air should be funding such an organisation. NZ On Air ensured that the Head of Journalism was aware of the complaint and advised that NZ On Air could not take any action unless we have more information that would prompt further investigation. NZ On Air did not receive any further correspondence from this individual.
 - c. One individual involved with a project Crux was producing ("The Developers") sent an update to NZ On Air saying that they have not heard from the production for several weeks and have had no direct communication with the Managing Editor for months. The NZ On Air staff member replied to the individual saying they would contact the Managing Editor for an update.
 - d. One individual made a complaint about Crux targeting them and causing distress. During their correspondence with NZ On Air, the complainant acknowledged that NZ On Air cannot take any action however they wanted to make the complaint as a matter of record. This complaint did not relate to any of Crux's activities that are funded by NZ On Air.
 - e. One individual, who was engaged by NZ On Air for media consultancy work, in two separate instances mentioned the name of Crux and its Managing Editor as part of a potential stakeholder consultation list.
2. Please see our response at Paragraph 1.

3. The NZ On Air complaints policy states that complaints will remain confidential, as far as possible, and we respect the right to privacy. For OIA requests, the release of complaints or other types of correspondence NZ On Air may have received is influenced by [section 9\(2\)\(a\)](#) of the OIA and its [related guidance](#), which applies if NZ On Air deems that the withholding of information is necessary to protect the privacy of natural persons. This does not mean all information of a private nature is withheld by default.

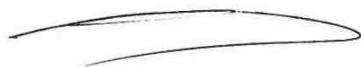
Section 9(2)(a) of the OIA and the grounds available to NZ On Air to withhold information under that section is subject to a public interest test, meaning the need to withhold requested information must be balanced against the countervailing public interest in the release of that information. We acknowledge there is a public interest in *'disclosure of the nature of a complaint being investigated by a government organisation to those being investigated'* however in every situation this will be weighed against:

- whether the complainants are identifiable,
- whether there was a reasonable expectation of privacy in the context the complaints were made,
- whether the individuals opposed the release of their complaints due to safety concerns and that there are no grounds to contravene their objection, and
- whether a request for information may be met by NZ On Air releasing an excerpt or summary of the information.

You have the right to refer this response to the Ombudsman if you are dissatisfied with it. More information on how to do this is [here](#). NZ On Air proactively releases information in accordance with the Government's commitment to the Open Government Partnership National Action Plan. This includes publishing responses to requests for information under the OIA. Please note that this response (with your name removed) will be published on the NZ On Air website shortly and will remain on our website for 12 months.

Thank you for your interest in our work.

Yours sincerely



Sharon Kerry
HEAD OF CORPORATE SERVICES