

Our ref 449159 (Complaint ground: 449165)
Contact Tanya Bockett
15 March 2018



Mr Matt Nippert
Reporter
NZ Herald

By email: matt.nippert@nzherald.co.nz

Dear Mr Nippert

**Official information Act investigation
New Zealand Defence Force
Refusal of Request for information relating to Palantir Technologies**

I refer to my letter of 7 November 2017, concerning your complaint about the decision of the New Zealand Defence Force (NZDF) to refuse your request for the amounts it paid to Palantir Technologies (Palantir) over the past eight financial years.

I advised you that I had written to NZDF seeking its further comments. I have now considered the information put forward by NZDF and by Palantir, and I am able to advise you of my final opinion on your complaint.

Having considered all the issues raised, I have now formed the opinion that NZDF has not shown that the prejudice to Palantir's commercial position is likely, unreasonably to occur if the information at issue were released. Therefore, section 9(2)(b)(ii) of the OIA is not applicable in this case. Further, if section 9(2)(b)(ii) of the OIA were applicable, I consider that the public interest in the release of the information outweighs the potential harm that exists under section 9(2)(b)(ii) of the OIA. Therefore, NZDF should not have relied on this provision to withhold the information at issue.

I have recommended that NZDF release the information you requested in the form of the amounts it paid to Palantir in each of the past eight financial years. However, if the structure of the contract renders it unfeasible to determine the exact amount paid annually, I have advised NZDF that providing an average figure, based on the total amount paid divided over the number of years the contract has existed, is sufficient to meet its obligations under the OIA in this case.

I have asked NZDF to notify me by 29 March 2018 of what steps will be taken to give effect to my recommendation. I will write to you again once I have reviewed its response.

I have now completed my investigation. Thank you for bringing this matter to my attention.

Yours sincerely

A handwritten signature in black ink, appearing to read "Peter Boshier".

Peter Boshier
Chief Ombudsman