

Our Ref DOIA 22-129
Your Ref OIA – Data Centres

21 February 2022

Wellington Office

Radio New Zealand House
155 The Terrace
PO Box 5501
Wellington 6145
New Zealand
T 0800 665 463
F +64 4 472 2244
E customersupport@linz.govt.nz
W www.linz.govt.nz

[s 9(2)(a)]

[s 9(2)(a)]

@tvnz.co.nz

Dear [s 9(2)(a)]

Response to your official information request

Thank you for your official information request received on 24 January 2022 for details of any applications received from Microsoft, DCI, and Amazon Web Service for the establishment of data centres in New Zealand.

Some of the information you have requested is enclosed in the following attached documents:

Microsoft

1. Overseas Investment Office (**OIO**) National Interest Assessment dated 18 August 2020; and
2. OIO Assessment Report dated 25 August 2020.

However, the release of information relating to:

- a. the commercial details of the investment and the investor has been refused under section 9(2)(b)(ii) of the Official Information Act 1982 ("**Act**") as release would unreasonably prejudice commercial position of Microsoft New Zealand Limited and Microsoft 6399 New Zealand Limited (collectively, **Microsoft**); and under section 6(a) of the Act as the release would likely prejudice the security of defence of NZ;
- b. names, signature, contact details, and information relating to some persons mentioned in the documents; as well as details of the opinions with other agencies and officers have been refused under section 9(2)(g)(i) of the Act to maintain the effective conduct of public affairs; and
- c. Other parts of the documents under the relevant sections of the Act as shown on the documents.

DCI

- a. OIO Emergency Notification Assessment of the transaction involving DCI NZ Operations L.P. (**DCI**); and
- b. Excerpt of a spreadsheet summarising the transaction involving DCI.

However, the release of information relating to:

- a. The consideration for the transaction has been refused under section 9(2)(b)(ii) of the **Act** as release would unreasonably prejudice commercial position of DCI; and
- b. Risks and analysis of those risks has been refused under section 6(2) of the Act as the release would likely prejudice the security or defence of New Zealand, and under section s9(2)(g)(i) of the Act to maintain the effective conduct of public affairs through the free and frank expression of opinions by or between or to Ministers of the Crown or members of an organisation or officers and employees of any public service agency or organisation in the course of their duty.

Amazon Web Service

We confirm that in November 2021, the OIO received an application from Amazon Data Services NZ Limited for the establishment of a cluster of data centres. That application is still being processed. The release of any other information is refused under s9(g)(i) of the Act in order to maintain the effective conduct of public affairs through the free and frank expression of opinions by or between or to Ministers of the Crown or members of an organisation or officers and employees of any public service agency or organisation in the course of their duty.

We are of the view that the withholding of the information is not outweighed by other considerations which render it desirable in the public interest to make that information available.

If you wish to discuss this decision with us, please feel free to contact the Overseas Investment Office by email: oio@linz.govt.nz.

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.

Yours sincerely



Daniel White
Manager, Applications
Overseas Investment Office