



19 July 2023

Tēnā koe

On 19 April 2023, you emailed the Ministry of Social Development (the Ministry) requesting, under the Official Information Act 1982 (the Act), the following information:

*RNZ requests release in full and in fully searchable and copyable format, for the period dating from the FIRST comms between Microsoft and MSD over its idea or plan to set up a datacentre cloud region in NZ (it will be pre May 2020, when MS announced this), till now:*

1. *Any and all comms and correspondence or similar between MSD or its agents, and any and all of the following or their agents (including lawyers and lobbying/PR firms) in whatever country:*
  - a. *Amazon/Amazon Web Services (AWS) or other part of Amazon*
  - b. *Google/Alphabet and/or any part thereof*
  - c. *Microsoft and/or any part thereof*
2. *Any and all attachments or appendices associated with these*
3. *Any and all comms and correspondence between MSD and/or DIA and/or the Overseas investment office arising out of the comms/correspondence in 1. Above.*

On 17 May 2023, the Ministry advised you that it needed more time to respond to your request, due to the consultations necessary to make a decision.

I apologise for the delay in getting this response to you.

I will respond to your questions in the following sections: Communications between the Ministry and Amazon Web Services/Microsoft/the Department of Internal Affairs, communications between the Ministry and Google/Alphabet, and any and all attachments or appendices associated with these.

### **Communications and correspondence**

*The Ministry and Amazon Web Services (AWS), Microsoft, and DIA*

The Ministry has agreements with Microsoft and AWS, via the Memoranda of Understanding (MOU's) and licensing agreements the respective companies hold with DIA. The Ministry uses these services regularly, including for carrying out our administrative functions as an agency. For example, the Ministry uses Microsoft Outlook for all email correspondence. As a result of this, and in the normal course of its operations, the Ministry is in regular receipt of emails from the named companies.

As such, your request for correspondence between the Ministry and Microsoft/AWS, and any correspondence between our agency and DIA regarding this, is refused under section 18(f) of the Act. Substantial manual collation would be required to assess all emails for mention of the datacentres. In order to provide you with this information, the Ministry would need to divert personnel from their core duties and allocate extra time to complete this task. The diversion of these resources would impair the Ministry's ability to continue standard operations and would be an inefficient use of the Ministry's resources. The greater public interest is in the effective and efficient administration of the public service.

I have considered whether the Ministry would be able to respond to your request given extra time, or the ability to charge for the information requested. I have concluded that, in either case, the Ministry's ability to undertake its work would still be prejudiced.

#### *The Ministry and Google/Alphabet*

Your request for communications and correspondence between Google/Alphabet and the Ministry is refused under section 18(e) of the Act as this information does not exist or, despite reasonable efforts to locate it, cannot be found.

#### **Relevant papers and contracts**

##### *Te Pae Tawhiti and Microsoft – SEP presentations*

Te Pae Tawhiti is a multi-year transformation programme that will make it easier for New Zealanders to get the support they're entitled to from MSD and its partners.

Te Pae Tawhiti programme will put people first, through significant changes to underlying systems, simpler processes, and redesigned services. This will ensure MSD has the capability to serve New Zealanders for the coming decades.

You can find further information about Te Pae Tawhiti on the Ministry's website: <https://www.msd.govt.nz/about-msd-and-our-work/work-programmes/te-pae-tawhiti/index.html>

The Ministry found a presentation in scope of your request. Te Pae Tawhiti Programme – Microsoft SEP presentation 1 is a presentation given by Microsoft to the Ministry and has mention of the datacentre cloud region opened in New Zealand.

This presentation was made as a result of the Ministry's market engagement in 2022 to inform its detailed business case for a Service Experience Platform and Digital Employment Service Platform as part of its Te Pae Tawhiti programme. The Ministry held a supplier briefing on 4 July 2023 and released two separate Requests for Proposal (RFPs) to the market via GETS on 10 July for the provision and implementation of these.

As such, this presentation is withheld under section 9(2)(j) of the Act to enable the Ministry to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations). The greater public interest is in ensuring that government agencies can continue to negotiate without prejudice. It is also withheld under section 9(2)(b)(ii) of the Act as, if released, it would be likely to prejudice the commercial position of the person who supplied or who is the subject of the information. The greater public interest is in ensuring that the commercial position can be maintained.

#### *AWS and the Ministry*

**Appendix Two** contains the MOU between DIA and the Ministry regarding AWS. Some information is withheld under section 9(2)(a) of the Act in order to protect the privacy of natural persons. The need to protect the privacy of these individuals outweighs any public interest in this information.

Some information is withheld under section 9(2)(b)(ii) of the Act as, if released, it would be likely to prejudice the commercial position of the person who supplied or who is the subject of the information. The greater public interest is in ensuring that the commercial position can be maintained.

Also found in scope was the AWS Cloud Services Agreement Non-Disclosure Agreement and the Affiliate Addendum. However, these are withheld under section 9(2)(b)(ii) of the Act as, if released, it would be likely to prejudice the commercial position of the person who supplied or who is the subject of the information. The greater public interest is in ensuring that the commercial position can be maintained.

These agreements result from the all-of-government Cloud First policy, which requires government organisations to adopt public cloud services in preference to traditional on-premise IT systems.

The Ministry has not signed any Memorandums of Understanding with Cloud Services Providers. The Ministry is eligible to buy cloud services from Cloud Service Providers under All-of-Government MOUs signed between DIA, the Government Chief Digital Officer, and Cloud Services Providers

The DIA and Microsoft Cloud, Software and Services Agreement (MCSSA) can be found here: <https://www.digital.govt.nz/products-and-services/products-and-services-a-z/microsoft-cloud-software-and-services-agreement/>.

The DIA and Amazon Web Services Cloud Services Agreement (ASCA) can be found here: <https://www.digital.govt.nz/products-and-services/products-and-services-a-z/amazon-web-services-cloud-services-agreement-acsa/>.

The principles and purposes of the Official Information Act 1982 under which you made your request are:

- to create greater openness and transparency about the plans, work and activities of the Government,
- to increase the ability of the public to participate in the making and administration of our laws and policies and
- to lead to greater accountability in the conduct of public affairs.

This Ministry fully supports those principles and purposes. The Ministry therefore intends to make the information contained in this letter and any attached documents available to the wider public. The Ministry will do this by publishing this letter and attachments on the Ministry's website. Your personal details will be deleted, and the Ministry will not publish any information that would identify you as the person who requested the information.

If you wish to discuss this response with us, please feel free to contact [OIA\\_Requests@msd.govt.nz](mailto:OIA_Requests@msd.govt.nz).

If you are not satisfied with this response, you have the right to seek an investigation and review by the Ombudsman. Information about how to make a complaint is available at [www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz) or 0800 802 602.

Ngā mihi nui

A handwritten signature in blue ink, appearing to be 'Tracy Voice', with a long horizontal flourish extending to the right.

Tracy Voice  
**Group General Manager**  
**Improvement, Systems and Technology**