



28 March 2019

██████████
The Press Stuff
158 Gloucester Street
Christchurch

by email: ██████████@stuff.co.nz

Dear ██████████

REQUEST FOR CVR FLIGHT TE901

TAIC has considered your request for the CVR recordings of flight TE901.

A copy of this recording is held by National Archives, but its release is subject to TAIC's authority as the controlling agency.

TAIC cannot release the CVR recordings to you, as disclosure of the CVR is prohibited under s14C of the Transport Accident Investigation Commission Act 1990 ('TAIC Act').

The TAIC Act makes it an offence to disclose CVRs, or transcripts of CVRs, other than in accordance with the accident investigation (and report) or by order of the High Court (see sections 14C, 14E, 14F and 14L TAIC Act).

These provisions reflect New Zealand's international obligations under Annex 13 of the ICAO Convention and the high public interest in ensuring CVR information is available to transport safety investigation agencies, in the interests of aviation safety.

The Official Information Act ('OIA') does not apply to records protected by the TAIC Act (see section 14R TAIC Act). Even if it did apply, similar considerations in the OIA concerning protection of privacy, the need to ensure continued supply of confidential information, compliance with New Zealand's international obligations, and the promotion of public safety, mean that good reason to withhold would exist.

The Chief Archivist has not been asked to undertake a formal review of the restricted status of the CVR recording. Nor does TAIC consider it appropriate to do so given the statutory prohibition that applies.

Yours sincerely

Cathryn Bridge

Commission General Counsel.

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