

By email

13 February 2019

File Ref: OIAP-7-9343

Hugh Davenport

XXXXXXXXXXXXXXXXXXXXXXXXXXXX@XXXXXXXX.XXX.XXX.XX

Shed 39, 2 Fryatt Quay
Pipitea, Wellington 6011
PO Box 11646
Manners Street
Wellington 6142
T 04 384 5708
F 04 385 6960
www.gw.govt.nz

Dear Mr Davenport

Request for information OIA 2019-004

I refer to your request for information 10 January 2019 and received by Greater Wellington Regional Council (GWRC) 10 January 2019. You have requested the following information:

"I would like to request the maximum speed of each bus operated by a contractor for Metlink managed by GWRC that travelled along Willis st between Boulcott St and Lambton Quay during the day of 9th January 2018. Any bus which has a maximum speed of over 30km/h I would like to request the time, location of the maximum speed, the route number of the bus, the contractor, the number plate of the bus, and if possible the drivers licence number of the driver at the time. For any bus which has a maximum speed of equal or under 30km/h, feel free to aggregate the data into a count (ie 10 buses at 29km/h, 9 buses at 28km/h).

Due to the fact that the outcome of this request will be passed directly onto NZ Police, who prefer to investigate traffic violations no later than 7 days after the incident, I would like this to be treated as an urgent request if possible.

As for whether this data is "held" by the agency, I refer to s 2(6) LGOIMA, also paraphrased on page 7 of the PDF available at <http://www.ombudsman.parliament.nz/resources-and-publications/documents/the-lgoima-for-local-government-agencies>.

"Any information held by an independent contractor engaged by any local authority in his or her capacity as an independent contractor is, for the purposes of this Act, deemed to be held by the local authority.", paraphrased "Information which an independent contractor to an agency holds in that capacity is deemed to be held by the agency"

I note that all the bus contractors are independent contractors engaged by GWRC on behalf of Metlink and in their capacity of the independent contractors they hold the data from the black boxes."

RESPONSE TO OIA 2019-004



GWRC's response follows:

The information that you have requested is not held by GWRC. While operators may (or may not) collect information related to maximum speeds on particular services, this is not information that is held by us, or required to be held for us, or provided to us under the Partnering Contract reporting obligations.

GWRC does not consider that bus contractors are independent contractors for the purpose of section 2(6) of the Local Government Official Information and Meetings Act 1987.

I am therefore refusing your request under section 17(g) as the information is not held by GWRC.

If you have any concerns with the decision(s) referred to in this letter, you have the right to request an investigation and review by the Ombudsman under section 27(3) of the Local Government Official Information and Meetings Act 1987.

Yours sincerely



Greg Pollock
General Manager, Public Transport