

## By email

10 April 2019

File Ref: OIAP-7-9670

Hugh Davenport

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Dear Mr Davenport

## Request for information 2019-041

I refer to your request for information dated 12 February 2019, which was received by Greater Wellington Regional Council (GWRC) on 12 February 2019. You have requested the following information:

*“As per Clause 1.4.5 of Schedule 5 of the Partnering Contract (page 142 of <http://www.gw.govt.nz/assets/Transport/Bus-contracts/Schedules-2-15-for-publication.pdf>), the bus operators are required to have a staff training plan for each year.*

*I would like to request a copy of this training plan for all bus operators under the Metlink branding for the years of 2017, 2018 and 2019.*

*As for whether this data is "held" by the agency, I refer to s 2(6) LGOIMA.*

*"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 of their staff training plans.”*

### GWRC's decision follows

The rollout of the GWRC Metlink bus service commenced in July 2018 and I have attached the training plans for the 2018/2019 year for the following operators for your information. Following consultation with operators several redactions have been made under the Local Government Official Information and Meetings Act, 1987 (the Act), these are indicated in the table below.

As the GWRC Metlink service commenced in July 2018 we do not hold any training plans from providers for the previous year (2017/2018 year), and as the training plans for 2018/2019 have not



been updated for 2019/2020 this information does not exist. This part of your request is therefore refused under section 17(e) of the Act.

Operator	Plan Title	Redactions
Mana Coach Services Ltd	Staff Training and Development Plan	N/A
Uzabus Ltd	Staff Training Plan - Kapiti	Section 7(2)(a) - to protect the privacy of natural persons.
NZ Bus Ltd	Staff Training Plan	Section 7(2)(a) - to protect the privacy of natural persons.  Section 7(2)(b)(ii) - to protect information where the making of the information would be likely to unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information.
Tranzit Group Ltd	Tranzit Staff Training and Development Plan Unit 1, 4, 7, 3. (example).	Section 7(2)(a) - to protect the privacy of natural persons.  Section 7(2)(b)(ii) - to protect information where the making of the information would be likely to unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information.

We have considered whether the public interest in the requested information outweighs GWRC's need to withhold certain aspects. As a result, we do not consider that the public interest outweighs GWRC's reason for withholding parts of the information under the grounds identified above.

On 12 and 13 March 2019 you emailed GWRC about your concerns as to why the timeframe under the Act to respond to your request had been extended. We confirmed with you that the reason for the extension was so that GWRC could consult so it can provide a proper response to your request as explained in our letter to you and by email on 12 and 13 March 2019.

You replied:

*“When you do get around to providing your response, could you please include a brief timeline of how this request was handled, date/time/person involved etc. What consultations were necessary that couldn't be done within the first 20 days, and when were these consultations done. Also when did GWRC first realise that they needed an extension. If the date that GWRC realised they needed an extension was before March 12th, then a bit of reasoning behind the delay of informing myself and the public of the extension required. It would also be useful for reasoning behind the extra 20 days, i.e. how did you come about 20 days extension rather than 10 or 30?”*

GWRC made the decision to extend your request on 11 March 2019 to allow further time to complete a second round of consultation with bus operators. The decision was made to extend your request by a further 20 days to allow for a reasonable time to complete the necessary consultation and document processing and decision making on your request. I have withheld the names of staff involved under section 7(2)(a) of the Act to protect the privacy of natural persons.

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 Act.

Yours sincerely



**Greg Pollock**  
General Manager, Public Transport