

## By email

29 May 2019

File Ref: OIAP-7-10980

Hugh Davenport

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Dear Mr Davenport

## Information request 2019-69

I refer to your request for information dated 26 February 2019, which was received by Greater Wellington Regional Council (GWRC) on 26 February 2019. You have requested the following information:

*“I would like to know the process Metlink took about the following complaint, whether CCTV footage was viewed by Metlink and/or the operator, whether black box data was retrieved from the bus and if so the speed at which the driver was travelling at, the driver ID, whether the driver kept their job, or required any remedial training, and whether the Police were notified by either Metlink or the operator.*”

*Date: Tuesday October 2, 2018*

*Bus: 3501*

*Rego: LME491*

*Route: 1*

*Description: Bus overtaking a cyclist at speed with minimal distance. Video seen at*

*[https://www.facebook.com/groups/cawgtn/permalink/1613515595374579/?comment\\_id=2012848368774631&comment\\_tracking=%7B%22tn%22%3A%22R%2349%22%7D%22](https://www.facebook.com/groups/cawgtn/permalink/1613515595374579/?comment_id=2012848368774631&comment_tracking=%7B%22tn%22%3A%22R%2349%22%7D%22)”*

On 25 March 2019 we extended the timeframe for responding to your request to 31 May 2019 under section 17(f) of the Local Government Official Information and Meetings Act 1987 (the Act).

### GWRC’s decision on your request follows:

On Tuesday 2 October 2018 the incident was logged as a complaint into the Resolve system, it was then referred to the Metlink Resolve Complaints team and to Tranzurban to investigate and respond.

A response from Tranzurban was provided to the complainant on 10 October 2018.



The operator, as part of their investigation, may review their systems including CCTV or the bus driving behaviour system. The investigation is for the operator to carry out and report back to us with a robust response to the complainant. We do not as standard practice require the operator to provide CCTV or systems data information to us. We did not request or view the CCTV footage or black box data (including information about the vehicle speed). We do not hold any information about whether the operator viewed CCTV footage or black box data.

Once the operator has carried out their investigation they provide us with a response, to confirm that they carried out an investigation, and to advise us of the outcome. I can advise that the operator met with the driver concerned about the incident. The follow-up actions taken by the operator with the bus driver are a matter between the employer and employee and we do not hold the information requested. I have therefore made the decision to refuse this information under section 17(g) of the Act as the information is not held by GWRC. You have also requested the driver ID and I have made the decision to withhold this information under section 7(2) (a) of the Act, to protect the privacy of natural persons.

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

Neither GWRC Metlink nor Tranzurban contacted the Police to report the incident.

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