

27 May 2019

Nicholas Lee
fyi-request-10096-d4adebfa@requests.fyi.org.nz

REF: OIA-4996

Dear Nicholas

Request made under the Official Information Act 1982

Thank you for your email of 12 April 2019 requesting the following information:

1. *Please provide copies of the Board Minutes and CEO's report to the board for the following meetings:*
 - 2019/Mar/18
 - 2018/Dec/14
2. *Please also provide Board Papers:*
 - 2018/12/1323
 - 2018/12/1324
 - 2018/12/1325
 - 2018/12/1327
3. *Additional, any board papers from the March meeting related to the EWL and LRT projects.*

On 13 May 2019, the NZ Transport Agency (NZTA) extended the 20 working days available to make a decision on your request, as allowed for under section 15A of the Act.

The documents that fall within the scope of your request and their release status are outlined in the Document Schedule attached to this letter. Please note that some information has been withheld under the following sections of the Act:

- Section 9(2)(a) – *“to protect the privacy of natural persons”*
- section 9(2)(ba)(i) – *“to protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information would be likely to prejudice the supply of similar information, or information from the same source, and it is in the public interest that such information should continue to be supplied”*
- section 9(2)(b)(ii) – *“to protect the commercial position of the person who supplied the information or who is the subject of the information”*
- section 9(2)(g)(i) – *“to maintain the effective conduct of public affairs through the free and frank expressions of opinion”*

- section 9(2)(j) – *“to enable a Minister of the Crown or any department or organisation holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).”*

With respect to the information that has been withheld, I do not consider there are any other factors which would render it desirable, in the public interest, to make the information available.

Two more documents fall within the scope of your request, they are Chief Executive’s Reports to the Board of December 2018 and March 2019. The Transport Agency will respond to you regarding these two documents as soon as possible and no later than 31 May 2019.

Under section 28 of the Act, you have the right to ask the Ombudsman to review my decision to withhold some information and to refuse parts of this request. The contact details for the Ombudsman can be located at www.ombudsman.parliament.nz.

If you would like to discuss this reply with the Transport Agency, please contact Andrew Knackstedt, Senior Manager Media, by email to Andrew.Knackstedt@nzta.govt.nz or by phone on 04 894 6285.

Yours sincerely



Richard May
Senior Manager, Government & Governance

OIA-4996 Document Schedule

REF	Document name	Date	For release?	Information being withheld/reason for withholding
1.	Minutes for the Board meeting of 18 March 2019	18/03/2019	No	<p>Refused under section 18(d) of the Act as the information requested is or will soon be publicly available.</p> <p>Before the Minutes of the Board meetings can be made publicly available they must be:</p> <ul style="list-style-type: none"> • confirmed, ratified and approved at a subsequent standard board meeting • checked to determine the nature and extent of the Minutes that will be withheld (and thus redacted) – noting this step can involve consultation with a number of relevant persons within the Transport Agency • approved for publication (with or without redactions, as considered appropriate). <p>The time taken to complete the noted process and publish the Board Meeting Minutes will depend on the range of subject matter covered by the Minutes in question, and the number of individuals who need to be consulted on their publication. The published versions of the Minutes may have had information redacted under one or more sections of the Act.</p> <p>The Minutes of the 18 March 2019 Board meeting are not yet available as they are still undergoing the process outlined above.</p>
2.	Minutes for the Board meeting of 14 December 2018	14/12/2018	No	<p>Refused under section 18(d) of the Act as the information requested is publicly available on the Transport Agency's website at https://www.nzta.govt.nz/about-us/about-the-nz-transport-agency/our-board/board-meeting-minutes/</p>
3.	Chief Executive's Report to The Board	18/03/2019		<p>Transport Agency will respond regarding this document as soon as possible and no later than 31 May 2019.</p>

4.	Chief Executive's Report to The Board	14/12/2018		Transport Agency will respond regarding this document as soon as possible and no later than 31 May 2019.
5.	Board Paper: 2018/12/1323 Auckland Light Rail	14/12/2018	Yes	<p>Some information has been withheld under the following sections of the Act:</p> <ul style="list-style-type: none"> • section 9(2)(ba)(i) to protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information would be likely to prejudice the supply of similar information, or information from the same source, and it is in the public interest that such information should continue to be supplied • section 9(2)(g)(i) to maintain the effective conduct of public affairs through the free and frank expressions of opinion • section 9(2)(j) to enable a Minister of the Crown or any department or organisation holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).
6.	Board Paper: 2018/12/1324 Auckland Transport – Airport Access: Short-term Improvements Single Stage Business Case (Puhinui Interchange)	14/12/2018	Yes	Released in full.
7.	Board Paper: 2018/12/1325 Hamilton to Auckland Passenger Rail Start Up Service – Business Case Approval and Funding of Transitional Rail and Public Transport Activity	14/12/2018	Yes	Some information has been withheld under section 9(2)(g)(i) of the Act, to maintain the effective conduct of public affairs through the free and frank expression of opinions by or between or to Ministers of the Crown or members of an organisation or officers and employees of any department or organisation in the course of their duty.
8.	Board Paper: 2018/12/1327 Re-evaluation findings for East West Link and Petone to Grenada	14/12/2018	Yes	Some information has been withheld under section 9(2)(g)(i) of the Act, to maintain the effective conduct of public affairs through the free and frank expression of opinions by or between or to Ministers of the Crown or members of an organisation or officers and employees of any department or organisation in the course of their duty.

9.	Board Paper: 2019/03/1346 Re-evaluation Findings: East West Link	18/03/2019	No	Withheld in full under section 9(2)(g)(i) of the Act, to maintain the effective conduct of public affairs through the free and frank expression of opinions by or between or to Ministers of the Crown or members of an organisation or officers and employees of any department or organisation in the course of their duty.
10.	Board Paper: 2019/03/1363 City Centre to Māngere Light Rail – Gateway Review Report.	18/03/2019	No	<p>Withheld in full under the following sections of the Act:</p> <ul style="list-style-type: none"> • section 9(2)(ba)(i) to protect information which is subject to an obligation of confidence and where the making available of the information would be likely to prejudice the supply of similar information, or information from the same source. • section 9(2)(g)(i) to maintain the effective conduct of public affairs through the free and frank expression of opinions by or between or to Ministers of the Crown or members of an organisation or officers and employees of any department or organisation in the course of their duty.
11.	Board Paper: 2019/03/1363 – Attachment 1: Treasury Gateway Review Report	February 2019	No	<p>Withheld in full under the following sections of the Act:</p> <ul style="list-style-type: none"> • section 9(2)(ba)(i) to protect information which is subject to an obligation of confidence and where the making available of the information would be likely to prejudice the supply of similar information, or information from the same source. • section 9(2)(g)(i) to maintain the effective conduct of public affairs through the free and frank expression of opinions by or between or to Ministers of the Crown or members of an organisation or officers and employees of any department or organisation in the course of their duty.

12.	Board Paper: 2019/03/1363 – Attachment 2: Treasury Gateway Review correspondence	04/03/2019	No	<p>Withheld in full under the following sections of the Act:</p> <ul style="list-style-type: none"> • section 9(2)(ba)(i) to protect information which is subject to an obligation of confidence and where the making available of the information would be likely to prejudice the supply of similar information, or information from the same source. • section 9(2)(g)(i) to maintain the effective conduct of public affairs through the free and frank expression of opinions by or between or to Ministers of the Crown or members of an organisation or officers and employees of any department or organisation in the course of their duty.
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