



Ref: Doc#6787941
OIA 19-069
Anne Rose
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John Luke

Via email: fyi-request-10593-a8e9d818@requests.fyi.org.nz

Dear John

Response to official information request regarding a possible information leak

I refer to your request for official information received 24 June 2019 querying a possible information leak relating to an article published by Stuff by journalist Dileepa Fonseka titled "Porirua city's credit card: The Wellington council that will keep borrowing until 2022". We have processed your request under the Local Government Official Information and Meetings Act (LGOIMA) 1987.

The questions you specified have been included as numbered headings in bold below, with our response following each heading.

1. Transmission Gully

- a. Is the council liable for a penalty payment related to Transmission Gully? The article claims this payout will be between \$600k and \$1M. Is this range correct?**

The matter relates to the Council's Transmission Gully Link Roads project. Last year project updates within our Finance Reports went to the Council's City Direction Committee on 26 July and 27 September 2019 on the public Agenda. These reports contained information that the contractor had taken a notice of delay claim for \$1.7 million to adjudication.

The Construction Contracts Act 2002 allows parties to refer disputes to adjudication. Proceedings are however confidential under the Act. This, and our desire not to prejudice our current legal negotiations, prevents us from commenting on the matter. The claim process is still in progress.

- b. Who within the Porirua City Council would have had this information? If this information was not officially released, has the PCC established who released the information. If it has been established please provide details of who released this information.**

Information regarding the claim was publicly available in reports to the Council's City Direction Committee as noted above.

- c. What if any actions did Cr Baker take when she thought the consent process was going very slow?**

Why does Cr Baker believe that the 'department' had been restructured, but the CEO denied the restructure was because of this. Is there a breakdown in working relationships between Cr Baker and the PCC CEO?

These questions are best referred to Councillor Baker to respond to.

2. Titahi Bay

a. Has confidential information regarding the purchase of property in Titahi Bay been leaked?

The information regarding the View Road properties were the subject of items to Council's Audit and Risk Committee and the Council itself. They were both in Public Excluded for commercial reasons. The fact that numbers have appeared in Stuff would support the theory that confidential information was given to the press.

b. Who within the Porirua City Council would have had access to this information?

All elected members, certain staff members of the Democratic Services team and Finance team, the Executive Leadership Team (ELT), and the author of the reports – who were ELT members – were directly involved in the deliberations process. A wider group of staff who are report writers and administrators have access to our Infocouncil information management system for Council Meeting documentation.

c. Has the CEO commenced any activity to determine if any staff have leaked this information?

We have reviewed access logs available on the relevant meeting documents. No-one additional to the core staff mentioned above are known to have accessed the files. However the Infocouncil system mentioned above does not have an audit function so we can't confirm which staff with access to the system might have accessed the reports in question through this channel.

d. Has the leak of information compromised commercial negotiations. Will PCC suffer financially because of this loss

There are no current commercial negotiations. The Council has only recently taken ownership of these units and we need to examine their condition in detail before we are able us to assess the best way forward. We cannot therefore provide information that would answer this question.

I trust that this information is of assistance and answers your queries. If you wish to discuss this response with us, please feel free to contact Anne Rose at anne.rose@poriruacity.govt.nz or Ph (04) 237-3590.

Ngā mihi



Wendy Walker
Chief Executive
Kaiwhakahaere Matua