

By email

11 September 2019

File Ref: OIAP-7-12392

Hugh Davenport

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Dear Mr Davenport

Request for information 2019-256

I refer to your request for information dated 29 July 2019, which was received by Greater Wellington Regional Council (GWRC) that day. You have requested the following information:

“I would like to know:

- 1) When each route 24 bus was seen going northbound for the morning of 2 May 2019, between 7:30am and 8:30am.*
- 2) For each route 24 bus viewed on the footage, either (in order of preference):
 - a) A video of the bus going through the intersection from both cameras of Jacob’s*
 - b) A still photo of the bus going through the intersection at the moment it crosses the intersection line (the end of the advanced cycle box) from both cameras of Jacob’s. Blurs can be applied quite easily for these still images to protect Privacy.*
 - c) A description of whether the light was green, amber, or red at the time the bus crosses the intersection line. Please note that I would expect either a or b to be provided instead of this. A very good reason for refusing a or b would be required.**
- 3) In order to correlate with actual traffic and to make sure that GWRC is not purposefully withholding results that show safety concerns, I would like to get the actual times that each route 24 was in that area during that time period by using the real time information.*
- 4) If there are any buses shown as travelling in the area on the real time information, but were not found in the footage provided by Jacob's, then I would like:
 - a) a photo of the rear advertisement on all the missing buses that were not found on video. The point of this is to match it with the video I have*
 - b) I would also like a brief explanation on why the bus was shown to be travelling on real time information, but was not found on the high definition camera feed that Jacob’s had used for the report.**



- 5) If any of the route 24's in 2) were found to be crossing the intersection line on a red light, then:
- a) An explanation of why the Jacob's report did not contain that incident in their report
 - b) An explanation of why both the General Manager of Public Transport (Greg Pollock) and the Manager of Bus Operations (Matthew Lear, previously Health and Safety Manager) did not find this when requested earlier and both responded that there was nothing of concern with the report.
 - c) An explanation of why multiple managers (Bruce Horsefield, Greg Pollock and Matthew Lear) have insisted there is no concern for safety after a large amount of evidence to the contrary.
 - d) What actions GWRC will take to ensure the reliability of the Jacob's report
 - e) What actions GWRC will take to ensure that their Management team take safety reports seriously in the future.
 - f) What actions GWRC will take to ensure that their Management team react quickly to safety reports in the future."

On 26 August 2018 we advised you that we were extending the timeframe to respond to your request to 10 October 2019.

GWRC's response follows:

Parts 1, 2 & 3 of your request

GWRC has decided to grant these elements of your request for information. However, given the amount of additional costs that GWRC will incur to process your information request, GWRC has decided to charge for making the requested information available.

To respond to part 3 of your request a technical officer is required to search and retrieve detailed tracking information from Real Time Information (RTI) records and compare this detail with the Metlink bus timetable to accurately determine the bus and service number for each number 24 bus. We estimate that the work to research, retrieve and collate this information will take three hours.

This information will also respond to part 1 of your request and should help you to ascertain "When each route 24 bus was seen going northbound for the morning of 2 May 2019, between 7:30am and 8:30am".

In response to part 2 of your request, GWRC would like to provide you with an opportunity to view the requested footage (route 24 buses on 2 May 2019 between 7.30 am and 8.30 am – travelling in both directions) under the supervision of a GWRC officer at our office on Level 2, 15 Walter Street at a mutually suitable time. Please let us know if you wish to take up this offer.

We estimate that it could take up to three hours to review the footage in both directions (northbound and southbound), and allowing time for you to select the still images that you are interested in. If, after reviewing the footage, there are images of which you would like a copy, we would need to pixilate or obscure identifiable individuals, in order to meet our obligations under the Privacy Act 1993. The time taken to process this part of your request would be charged in accordance with the Ombudsman's guidance on charging and at the standard rate of \$38.00 per half hour or part thereof.

A summary of the above identified charges is provided below. GWRC believes that this charging proposal is consistent with the Ombudsman's charging guide (June 2017).

Information requested	Details of process to retrieve information	Estimate of office time involved in processing request
<p>3) <i>The actual times that each route 24 was in that area during that time period by using the real time information.</i></p>	<ul style="list-style-type: none"> • Search and retrieve detailed information for Route 24 Northbound services (for buses that tracked in the RTI system). *Note that in some circumstances a bus may not be logged into and therefore tracked in the RTI system. • Provide details of schedule and deviation times when the Vehicle passed Stop 5006 at Manners Street and Willis St. • Provide details of schedule and deviation times when the vehicle passed Stop 5008 at Willis Street, Grand Arcade. • Provide Fleet # details. 	<p>We estimate that the work to research, retrieve and collate this information will take a maximum of three hours.</p>
<p>2) <i>For each route 24 bus viewed on the footage.</i></p> <p>b) <i>A still photo of the bus going through the intersection at the moment it crosses the intersection line (the end of the advanced cycle box) from both cameras of Jacob's. Blurs can be applied quite easily for these still images to protect Privacy.</i></p>	<p>Access to the requested footage will be made available for viewing at the GWRC office at 15 Walter street. The following charges are estimated in connection with viewing the requested footage:</p> <ul style="list-style-type: none"> • Supervising access (where the information at issue is made available for inspection) • Pixilate or obscure images of identifiable individuals within any still images selected by you in order to protect their privacy. <p>* Note we estimate that it will take approximately five minutes per photo to prepare it for release.</p>	<p>View footage for 2 May 2019, between 7:30am and 8:30am (northbound and southbound directions), and identify still images for capture. We estimate three hours for this task.</p> <p>The time taken to complete the pixilate or obscure the images will vary depending on the number of images required. All charges will be made in accordance with the Ombudsman's charging guidelines.</p>

	TOTAL STAFF TIME	Estimated six hours plus any additional charges for preparing still captured images for release.
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Our charges are set as follows:

- An initial charge of \$76 for the first chargeable hour; and
- Then \$38 for each additional half hour or part thereof.

These charges are inclusive of GST.

GWRC has elected not to charge you for the first hour of officer time spent processing your request.

Estimated time	6 hours
One hour free of charge	1 hour
Hours charged	5 hours
Charge per hour	\$76
(\$76 x 5)	\$380

Total	\$380
Deposit required (2 x hr min)	\$152

To confirm your decision to proceed with this request can you please confirm in writing to Nichola Powell, email: Nichola.Poxxxx@xx.xxxx.xx and arrange to make the required deposit of \$152 using the details set out below. We ask that you advise us of your decision by 18 September 2019, to enable your request to be met by the extended due date of 10 October 2019; please refer to our letter to you of 26 August 2019.

The payment, including the initial deposit for \$152, can be made to: GWRC bank account number:

ANZ: 06-0582-0104781-00

Particulars column: 2019-256

Reference column: A/c 16734

email confirmation of payment to xxxxxxxx@xx.xxxx.xx

Please also contact Nichola Powell, at the above email address, to arrange a suitable time to view the requested footage.

Note that GWRC is unable to commence any further work on this request until we hear from you and receive the required deposit.

Part 4) a)

The Local Government Official Information and Meetings Act 1987 (the Act) enables people to request official information from GWRC. However, the Act only applies to information that is already held by GWRC. There is no obligation on GWRC to create information in order to respond to a request.

The information you are seeking is not currently held by GWRC. I am therefore refusing your request under section 17(g) of the Act, because GWRC does not hold the requested information.

GWRC believes that this refusal is consistent with the Ombudsman's guide *Information not held* (November 2018).

Part 4) b)

Your request cannot be fulfilled as GWRC does not hold this information. This part of your request is for an explanation.

I am therefore refusing your request under section 17(g) of the Act because GWRC does not hold any official information in this regard.

Part 5

Similarly, the requests in parts 5a to 5c cannot be fulfilled as GWRC does not hold this information. This part of your request is for an explanation.

Your requests under parts 5d – 5f cannot be fulfilled as GWRC does not hold this information, as this is a request concerning future actions.

I am therefore refusing your request under section 17(g) of the Act, because GWRC does not hold any official information relating to these parts.

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