

B Fairburn  
**By email to:** [fyi-request-16929-a950b910@requests.fyi.org.nz](mailto:fyi-request-16929-a950b910@requests.fyi.org.nz)

Thursday, 21 October 2021

Dear B Fairburn

**Official Information Act (OIA) request – partial transfer of request relating to parking enforcement at Te Pūkenga and its subsidiaries (refers MBIE’s Code of Conduct for Parking Enforcement on Private Land)**

Your OIA request of 29 September 2021 to Te Pūkenga was transferred to Manukau Institute of Technology Limited (MIT) on 12 October 2021.

The requested information is set out below:

*1. Are ~~Te Pūkenga, any of its subsidiaries~~ [MIT] or their parking enforcement contractors signatories to the [MBIE Code of Conduct for Parking Enforcement on Private Land]?*

No.

*2. ~~Which subsidiaries of Te Pūkenga have contracts~~ [Does MIT have a contract] with [LPR Enforcement Services Ltd]?*

MIT has a contract for parking services with Intellico.co.nz Limited. Intellico subcontracts enforcement of parking breaches to LPR Enforcement Limited.

*3. ~~If Te Pūkenga, its subsidiaries, [MIT] or LPR are not signatories to the Code; would meeting the standards of conduct as defined by the Code and as administered by MBIE, clearly define a fair and reasonable absolute minimum standard of conduct for parking enforcement by a New Zealand Tertiary Education Institute?~~*

MIT is not required to form an opinion or create information in order to respond to a request. Accordingly, this request is declined on the grounds set out in section 18(e) of the Official Information Act 1982.

*4. ~~Have subsidiaries of Te Pūkenga~~ [Has MIT] in fact been “Misrepresenting Authority” as explained by MBIE in [section 5.6] of the Code?*

*5. ~~Have Te Pūkenga~~ [Has MIT] or any of its subsidiaries or agents been granted special authority to issue “fines” or demand payment of punitive fees to Staff or Students for this or any other reason?*

No. MIT issues parking fines to vehicles that breach the terms and conditions of MIT's parking terms and conditions under its authority as owner or occupier of the relevant parking facilities.

*6. ~~Have Te Pūkenga or any of its subsidiaries~~ [Has MIT] directly or through their agent LPR, taken punitive action of any nature against any staff or student for non-payment of "fines"?*  
If any user of MIT's carparks (staff, student or otherwise) fails to pay any parking fines, MIT issues a breach notice to the user by putting a letter on their windscreen and/or sending a letter through the mail. The breach notice advises the user that their vehicle is not permitted to enter the carpark until payment is made. Several of MIT's carparks are controlled by swipe card access, and may only be accessed by MIT staff and students swiping their ID card. If possible (ie, if the registered owner of the vehicle is the same person as an enrolled student or staff member) MIT will also put a hold on the person's ID card that will prevent them from using their ID card to access the carpark.

*8. Are there penalty clauses in any of the contracts ~~Te Pūkenga or any of its subsidiaries have~~ [MIT has] with LPR, to compensate LPR, if for any reason LPR were no longer able to demand payments for "breaches of terms and conditions of car parking"?*

*9. Please provide details of any revenue sharing arrangements set out in contracts between LPR and [MIT] ~~Te Pūkenga and its subsidiaries~~.* How is the share of revenue received from parking fees and fines divided between the parties to the contract(s)?

MIT does not have a contract with LPR Enforcement Services Limited. We are unaware of the payment arrangements in place between MIT's contractor, Intellico.co.nz Limited and its subcontractor, LPR Enforcement Services Limited.

*10. When contracts were negotiated and subsequently awarded for supply of "parking enforcement" services by ~~Te Pūkenga or its subsidiaries~~ [MIT] to LPR, were these contracts awarded by an open or invited tender process?*

MIT does not have a contract with LPR Enforcement Services Limited. However, MIT's current parking solutions contract was awarded by an open procurement process. On 8 April 2020 MIT issued a Request for Proposals (RFP) for a parking solution, which was published on New Zealand Government Electronic Tenders Service (GETS). All registered users of GETS have the ability to view and respond to tenders or offers published on GETS.

*11. How many parking enforcement companies were invited to submit proposals or tenders to provide those services?*

The RFP was published on GETS and available to all registered users of GETS. MIT received responses from nine suppliers.

*12. Was compliance with, or being a signatory to the MBIE Code of Conduct a qualifying criteria in selection of candidates for provision of parking enforcement services?*

No. Whether or not a supplier was a signatory to the Code of Conduct was considered and taken into account by the evaluation panel, but was not part of the qualifying criteria.

*13. Were contracts awarded to LPR after negotiation with LPR, but without receiving or considering written proposals or submissions from other candidates?*

MIT does not have a contract with LPR Enforcement Services Limited. Prior to awarding MIT's parking solutions contract to Intellico, MIT ran an open procurement process and considered responses from nine suppliers.

14. Please provide all documents related to how privacy of information collected about staff and student movements held by LPR is guaranteed by Te Pūkenga or its subsidiaries in order to comply with the Privacy Act 2020

Intellico has provided the following information relating to privacy of user information:

- **Payments for Parking & Breach Notices:** All payments made using the machines, Apps or when paying for breach notices are processed through Windcave. Windcave are a very reputable transaction processing organisation that meets the PCI standard for data security.
- **Vehicles Registered Owners Details:** We access NZTA Motochek system to retrieve the registered owners details of any offending vehicles (only offending vehicles, not compliant vehicles). As part of our account application process we have to confirm that we will meet our obligations to comply with the Information Privacy Principles set out in the Privacy Act. Here is a link on the NZTA website: <https://www.nzta.govt.nz/about-us/about-this-site/privacy-guide-for-suppliers-and-service-providers/>

Under section 28(3) of the OIA you have the right, by way of complaint to the Ombudsman, to seek an investigation and review of the above decisions. Information on how to contact the Ombudsman can be found at [www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz) or phone 0800 802 602.

Yours faithfully

MANUKAU INSTITUTE OF TECHNOLOGY LIMITED



Gus Gilmore

Chief Executive, Unitec and MIT

Copy to: Michelle Teirney, Deputy Chief Executive Operations  
Kara Hiron, Senior Legal Counsel