

23 June 2016

Garth Pennington

By email only: fyi-request-4058-d0245bfa@requests.fyi.org.nz

Dear Mr Pennington,

Official Information Act request: 15.171 – Number of Complaints

1. We refer to your request of 26 May 2016 for:
 - 1.1 The names and number of complaints of the 10 most complained about companies for the last 12 months.
 - 1.2 The number of complaints about Chorus and Crown Fibre Holdings.
 - 1.3 The number of complaints made to or about Telecom Disputes Resolutions.
 - 1.4 Copies of any communication relating to the above with either, Spark, Chorus, Crown Fibre Holdings, Telecom Disputes Resolutions or any government department or minister.
2. We have treated this as a request for information under the Official Information Act 1982 (OIA).

Our response

10 most complained about companies

3. In response to 1.1 above, we provide below a list of the ten most complained about traders from 1 June 2015 to 31 May 2016, based on the number of complaints received about them across the Acts enforced by the Commission. Please note that there are in fact 12 traders listed as the 8th and 9th places were tied.

Ranking	Trader	Number of complaints
1	New Zealand Pork Industry Board	139
2	Spark New Zealand Trading Limited	135
3	Vodafone New Zealand Limited	114
4	Harvey Norman Stores (N.Z) Pty T/A Harvey Norman	112

AUCKLAND

L13, Forsyth Barr
55 Shortland Street
P.O. Box 105 222
AUCKLAND 1143, NEW ZEALAND

WELLINGTON

L9, 44 The Terrace
P.O. Box 2351
WELLINGTON 6140, NEW ZEALAND
Tel: (04) 924 3600 Fax: (04) 924 3700
Main Office

5	Trade Me Limited (trading user)	92
6	Air New Zealand	61
7	DSE (NZ) Limited T/A Dick Smith Electronics	55
8	Costume Imports Limited T/A The Costume Shop	45
8	ChocoPrice	45
9	Progressive Enterprises Limited T/A Countdown	43
9	Brand Developers Limited T/A TV Shop	43
10	Callplus Services Limited T/A Slingshot Communications	35

4. Please note the fact that a complaint was received is not evidence that the company actually engaged in any unlawful conduct.

Chorus, Crown Fibre Holdings and Telecom Disputes Resolutions

5. In preparation of a response to 1.2 and 1.3 above, we have searched our enquiries database (i-lign) for all complaints registered under 'Chorus', 'Crown Fibre Holdings' and 'Telecom Disputes Resolutions' for the 12 month period from 1 June 2015 to 31 May 2016.
6. We located 25 complaints relating to Chorus.
7. Our search did not locate any complaints received about Crown Fibre Holdings or Telecom Disputes Resolutions during the last 12 months. The Commission does not have records of the number of complaints made to Telecom Disputes Resolutions, which is a private organisation not associated with the Commission.

Communications relating to these complaints

8. Your final request was for:
- any communications;
 - relating to the above (that is, the 10 most complained about companies, the complaints about Chorus and Crown Fibre Holdings, or complaints made to or about Telecom Disputes Resolutions);
 - with Spark, Crown Fibre Holdings, Telecom Disputes Resolutions or any Government Department or Minister.
9. Responding to that request would require review of all 944 complaints received for any communication with the list of entities, and would include (for example) communications in relation to other telecommunications providers (in particular,

Vodafone and Callplus), and firms such as Dick Smith Electronics and Air New Zealand.¹

10. If that is the scope of your request, it is likely that your request would be refused in terms of section 18(f) of the OIA on the basis that it cannot be made available without substantial collation or research.
11. However, we infer from the context of your request that you may in fact be interested only in communications relating to the 135 Spark complaints the Commission received, and possibly also the 25 Chorus complaints.
12. If the scope of your request could be narrowed in this way, then it is likely that some documents can be released, but an extension of time will be required. In particular, the need to search through a large quantity of information, and potentially to consult the parties to any communications, would necessitate an extension of the time limit for responding to that part of your request under section 15A(1) of the OIA to **29 July 2016**.

Further Action

13. We hope that the information provided in relation to first three matters answers your request. If you have any questions with regards to your request, please do not hesitate to contact us at uia@comcom.govt.nz.
14. In relation to the fourth matter, please contact us to advise whether you wish to narrow the scope of your request, either in the way we have suggested or otherwise. Please contact Alexandra Donnison at uia@comcom.govt.nz or on 04 924 3600.
15. If you are not satisfied with the Commission's response to your OIA request, section 28(3) of the OIA provides you with the right to ask an Ombudsman to investigate and review this response.

Yours sincerely



Alexandra Donnison
OIA Co-ordinator

¹ It is not unusual for the Commission to communicate with a relevant government department when considering a complaint. While it is less common, the Commission may also communicate with a minister in relation to a complaint or complaints. As such, there may be non-telecommunications related communications covered by the request.