

15 July 2013

Grace Haden

fyi-request-964-82a0126c@requests.fyi.org.nz

Dear Ms Haden

Local Government Official Information and Meetings Act 1987 (LGOIMA)

AT2013/033002

Thank you for your email dated 2 July 2013, which Auckland Transport received on the same date requesting information. Please find response to your questions below:

- **Please provide the policy and / or any legal basis you have for sending information off to a third party for collection when the matter is actively under dispute**

There is no legal restriction preventing Auckland Transport from using a third party to collect outstanding infringement fees. Baycorp acts as the collection agent and uses infringement information for the purpose that the information was collected, being, the prosecution and enforcement of infringement notices. This is in line with Principle 11 in section 6 of the Privacy Act 1993. Where a person wishes to dispute an infringement notice, they may do so by requesting a Court hearing. The use of Baycorp does not exclude or prejudice this option. The collection and hearing process is subject section 21 of the Summary Proceedings Act 1957.

- **All policies or legal basis which you rely upon to send personal information to a third party such as Baycorp who uses this information to propagate their databases**

Disclosure of the information is necessary to avoid prejudice to the maintenance of the law by Auckland Transport where a pecuniary penalty, the infringement fee, has been imposed. Please refer to Principle 11 section 6 of the Privacy Act. The information does not form part of a public data base and is not released to any other entities.

- **Further provide all discussion documents, notes etc which consider privacy issues with regards to using Baycorp**

Apart from legally privileged opinions which are withheld under section 7(2)(g) of the LGOIMA we do not have any discussion documents or notes with regards to using Baycorp. Privacy related matters are considered and dealt with pursuant to the Privacy Act 1993 and Auckland Transport's privacy policy which is publically available.

- **When the contract with Baycorp was entered into and why this conflicts with your statements on the statement of intent.**

Details of the agreement with Baycorp are withheld pursuant to s7(2)(b)(ii) of the LGOIMA.

Auckland Transport does not hold any information disclosing conflict between its statement of intent and its agreement with Baycorp and accordingly this request is refused under section 17(e) of the LGOIMA in that the requested information does not exist. The collection by Baycorp is an additional process which allows a person to make admission of guilt payments over a period, which Auckland Transport does not offer. The system is a collection process only and no additional costs are incurred by the customer. There is also no effect on the customer's credit rating. This information is clearly outlined on the reminder notice.

Should you believe that we have not dealt with your request appropriately, you have the right in accordance with section 27(3) of the LGOIMA to make a complaint to the Office of the Ombudsman and seek an investigation and review in regard to this matter.

Yours sincerely



Trevor Starr
Manager Parking and Enforcement