

18 October 2018

Bob Johnston
fyi-request-8590-15952403@requests.fyi.org.nz

REF: OIA-4166

Dear Bob

Request made under the Official Information Act 1982

Thank you for your email of September 09 2018 requesting the following information under the Official Information Act 1982 (the Act):

all the information, correspondence, briefings, emails, memos, letters, advice, opinions, uyou have about choice and ride mate and nzta not having a transport service licence."

The following documents have been identified as falling within the scope of your request:

- Document 1: Internal emails relating to Small Passenger Service Requirements
- Document 2: Legal opinion from Chapman Tripp regarding Small Passenger Service Requirements

Document 1 is being released to you and can be found attached. Certain information has been withheld under section 9(2)(a) of the Act, this section allows for the withholding of information to protect the privacy of natural persons.

Document 2 is being is being withheld under section 9(2)(h) of the Act, this section allows for the withholding of information to maintain legal privilege.

With respect to the information that has been withheld, I do not consider there are any other factors which would render it desirable, in the public interest, to make the information available.

Legislation governing small passenger services was modernised in October 2017 to include transport operators such as Uber and other rideshare services within the regulatory regime. However, simply because an app is transport related, does not mean it is required to hold a small passenger services licence.

Apps like Choice and RideMate, simply aggregate the real time data feeds from transport providers in an area into one place, online. This is similar to how other transport related apps such as Google Maps provides customers with access to information about different transport options available to them for their journey.

Choice and RideMate do not employ drivers to provide transport services to the public, set fares or receive revenue from either the transport providers or customers and are therefore not required to hold a small passenger service licence.

Under section 28 of the Act, you have the right to ask the Ombudsman to review my decision to withhold this information. The contact details for the Ombudsman can be located at www.ombudsman.parliament.nz.

If you would like to discuss this reply with the NZ Transport Agency, please contact me on 04 894 6382 or via email to damien.lebreton@nzta.govt.nz.

Yours sincerely

A handwritten signature in black ink, appearing to be 'DLB' followed by a long horizontal flourish.

Damien Le Breton
Senior Manager