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## By email

13 February 2019

File Ref: OIAP-7-9391

Hugh Davenport

[✉ xxx](mailto:hugh.davenport@xxx)

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Dear Mr Davenport

### OIA 2019-006

I refer to your request for information dated 18 December 2018, which was received by Greater Wellington Regional Council on 18 December 2018. You have requested the following information:

*"I would like to request the CCTV footage of the following buses operated by a contractor for Metlink managed by GWRC:*

*Route numbers: Route 7, and route 2*

*Location: Willis St by Chews Lane*

*Date: 2019-01-11*

*Time: Roughly 3:45pm*

*The CCTV footage requested is just the footage on Willis St between Mercer St and Lambton Quay.*

*Due to the fact that your contractors permanently delete the CCTV footage after 10 days, I would like this to be treated as an urgent request if possible.*

*As for whether this data is "held" by the agency, I refer to s 2(6) LGOIMA, also paraphrased on page 7 of the PDF available at <http://www.ombudsman.parliament.nz/resou....>*

*"Any information held by an independent contractor engaged by any local authority in his or her capacity as an independent contractor is, for the purposes of this Act, deemed to be held by the local authority.", paraphrased "Information which an independent contractor to an agency holds in that capacity is deemed to be held by the agency"*

*I note that all the bus contractors are independent contractors engaged by GWRC on behalf of*



*Metlink and in their capacity of the independent contractors they hold the data from the black boxes”*

### **Greater Wellington Regional Council’s decision follows**

While GWRC does have owned and controlled CCTV systems across the rail network and planned camera surveillance at some key bus hubs, there is no CCTV footage that we hold of the Willis Street area by Chews Lane.

Bus operators have CCTV cameras installed and operating to assist in meeting their contractual obligations, however this equipment is owned and operated by bus operators (third parties) and is not owned or held by GWRC.

In a situation where the GWRC requires access to CCTV footage for another party under privacy law and GWRC’s Public Transport Group Camera Surveillance Policy, any request for access to on-board CCTV footage would be directed to the relevant bus operator. Third parties, in these circumstances bus operators, are responsible for their own compliance with the Privacy Act in regard to camera surveillance systems that they own and operate, even when operated within the public transport system.

As GWRC does not hold the requested information and we do not consider that bus contractors are independent contractors for the purpose of section 2(6) of the Local Government Official Information and Meetings Act 1987, I am therefore refusing your request under section 17 (g) as the information is not held by GWRC.

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 Local Government Official Information and Meetings Act 1987.

Yours sincerely



**Greg Pollock**  
General Manager, Public Transport