

By email

18 March 2019

File Ref: OIAP-7-9865

Hugh Davenport

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Dear Mr Davenport

Request for information 2019-052

I refer to your request for information dated 18 February 2019, which was received by Greater Wellington Regional Council (GWRC) on 18 February 2019. You have requested the following information:

“I would like to request the following information about a traffic stop in Miramar, Wellington on the 17th Feb 2019. Details below.

- 1) *The reason for the traffic stop*
- 2) *The outcome of the traffic stop*
- 3) *The length of the traffic stop*
- 4) *Whether the driver of the bus had any prior driving behaviour reports known by the Police, and/or Metlink*

Details of traffic stop:

Bus rego GQU11, metlink bus no 4188

Location, Mirimar ave between Shelly Bay Road and Maupuia Road, towards Maupuia Road.

Police vehicle rego HSM175, lights flashing, no siren.

Note that as an independent contractor for Metlink, this information should be held by the driver and/or the operators under s 2(6) of LGOIMA.”

GWRC’s decision follows.

Your request has been refused in accordance with section 17(e) of the local Government Official Information and Meetings Act 1987 (the Act) on the ground that the information is not held by us.

Please note that we consider that section 2(6) of the Act only deems the information to be held by GWRC if the independent contractor holds the information in their contractual capacity. This was expressed by the Ombudsman as

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“...it is the scope of the contracts that will determine the information that is deemed to be held ..., not the scope of the information held by [the independent contractor]”. (at para 18, Ombudsman’s *Case Note Request for information held by Needs Assessment and Service Co-ordination agencies* (October 2015)).

We do not consider that the information you have requested (details of the police stopping a bus) is within the scope of the contracts for service that GWRC has, or that the supplier holds this information in their contractual capacity.

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 Act.

Yours sincerely



Greg Pollock
General Manager, Public Transport