

17 September 2019

Phil Pennington
Reporter
Radio New Zealand
phil.pennington@rnz.co.nz

REF: OIA-5469 (#3)

Dear Phil

Request made under the Official Information Act 1982

Thank you for your further email of 30 August 2019 regarding information that NZ Transport Agency withheld with regards to Google costs/fees and costs related to Traffic Watcher, as per our response of 28 August 2019 (Ref: OIA-5469).

Google costs/fees

I note your comments that the Transport Agency has released the costs paid to Meredith Connell under the Official Information Act 1982 (Ref: OIA-5421). Before releasing the Meredith Connell costs, we consulted Meredith Connell and obtained their consent to release this information. In addition, the Meredith Connell costs were not for a defined product/piece of work, and therefore, it would not be possible to reverse calculate their rates.

We contacted Google to discuss releasing their fee information under the Act. However, Google objects to the Transport Agency disclosing Google's detailed financial information in relation to its provision of services to the Transport Agency. As outlined in our response of 28 August 2019, making this information available would be likely unreasonably to prejudice Google's commercial position (as per section 9(2)(b)(ii) of the Act) and breach the confidentiality agreement between Google and the Transport Agency, which would be likely to prejudice Google's willingness to supply similar information to the Transport Agency (and others) in the future (as per section 9(2)(ba)(i) of the Act). Therefore, our position remains that this information should be withheld under the sections of the Act mentioned above.

Costs related to Traffic Watcher

As outlined in our letter of 28 August 2019, the total cost of Traffic Watcher since its inception till now cannot be provided. This is because Traffic Watcher was initially developed as part of a suite of proof of concepts that used Google services.

The costs were broken down, i.e. the Traffic Watcher costs were allocated to Traffic Watcher once we moved into production. However, these costs are withheld under section 9(2)(b)(ii) of the Act as making this information available would be likely unreasonably to prejudice Google's commercial position.

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.

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

If you would like to discuss this reply with the Transport Agency, please contact Andrew Knackstedt, Senior Manager Media, by email to andrew.knackstedt@nzta.govt.nz or by phone on 04 894 6285.

Yours sincerely

A handwritten signature in black ink, appearing to read 'D Lyons', with a stylized flourish at the end.

Derek Lyons
Chief Information Officer