

12 July 2021

Antoinette Spicer  
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Consumer NZ  
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REF: OIA-8289

Dear Antoinette

**Request made under the Official Information Act 1982**

Thank you for your e-mail dated 14 June 2021 requesting information under the Official Information Act 1982 (the Act) in regard to your previous Official Information Act request, OIA-8149.

I understand that you have requested the following information:

*Can you please provide me with a copy of the 38 warning letters or correspondence sent to Ola?*

*Can you also please provide me with:*

- *How many complaints NZTA has received about Zoomy and Uber?*
- *Provide a breakdown of complaints per year (2019) (2020) (2021)?*
- *Clarify what these complaints were about, what the Ministry did to assess the complaints, and what the outcomes of any assessment or investigation were?*
- *Copies of any letters or correspondence sent to Zoomy and Uber.*

I will answer each of your questions in turn:

***Can you please provide me with a copy of the 38 warning letters or correspondence sent to Ola?***

The 38 warnings relate to the contracted drivers who received the complaints whilst operating for Ola. The warnings are not against Ola as a provider.

As the warnings were sent to individuals and not the company as a whole, I am withholding this part of your request under section 9(2)(a) of the Act. This section allows for the withholding of information to protect the privacy of natural persons, including that of deceased natural persons.

I have included copies of the warning letter templates that may have been issued to the drivers. As these are the latest versions of the warning letters, I cannot guarantee that these were the version issued to the drivers. Some of the warnings that were received by drivers may also have been verbal warnings.

These templates are included in the following attachments:

- DI minor offence warning template (not F and P)
- Minor Compliance Breach Letter final

***How many complaints has NZTA received about Zoomy and Uber?***

I have aligned the data with the end date given to the data in OIA-8149 of 18 May 2021.

Waka Kotahi NZ Transport Agency has received 8 complaints in relation to Zoomy drivers since 2019. Waka Kotahi has received 196 complaints in relation to Uber drivers since 2019. The differences in the totals provided are a result of market penetration and scale and are not indicative of one operator having different standards to another.

***Provide a breakdown of complaints per year (2019) (2020) (2021)?***

**Zoomy:**

<b>Year</b>	
2019	8
2020	0
2021	0
<b>Total</b>	<b>8</b>

**Uber:**

<b>Year</b>	
2019	73
2020	85
2021	38
<b>Total</b>	<b>196</b>

***Clarify what these complaints were about.***

**Zoomy:**

<b>Category</b>	
Behaviour	7
Driving	1
<b>Total</b>	<b>8</b>

**Uber:**

<b>Category</b>	
Behaviour	168
Driving	14
Logbook	2
Multiple	1

Multiple Inappropriate	1
Multiple Inappropriate Complaints	1
Other	1
Standard of Service	1
Vehicle Compliance	1
Violence	5
Worktime	1
<b>Total</b>	<b>196</b>

***What [Waka Kotahi] did to address the complaints?***

All complaints are investigated by Waka Kotahi and assessed according to their level of seriousness and risk. Public safety and compliance with the law are the primary factors considered before Waka Kotahi decides on further actions. Waka Kotahi uses a compliance response framework to guide discussions with regards to further actions which include; 'no further action' (NFA), education, formal warnings, the issuing of offence notices or fines, through to revocation or suspension of the driver's endorsement or transport service licence.

***What the outcomes of any assessment or investigation were?***

**Zoomy:**

<b>Outcomes</b>	
NFA	1
Revoke	6
Warning	1

**Uber:**

<b>Outcomes</b>	
Education	14
NFA	55
Refer to another agency	1
Revoke	24
Surrendered by Driver	22
Suspension	17
Warning	43
Under investigation	20

The outcome of 'revoke' means that the licence has either been permanently cancelled with the driver unable to reinstate their licence, or that the licence has been revoked for a period of time due to a breach of rules or regulations.

The outcome of 'surrendered' means that the driver has given up their licence voluntarily.

The outcome of 'suspension' means that the licence has been temporarily cancelled but may be reinstated once certain conditions have been met.

Waka Kotahi investigates all rideshare operator complaints but on occasion is unable to progress the investigation. I note that in the above tables there are 56 NFA outcomes which can occur for a multitude of reasons including a lack of credible evidence, the complainant being unwilling to supply further information, or the complaint being referred to a different agency.

***Copies of any letters or correspondence sent to Zoomy and Uber***

As the warnings were sent to individuals and not the company as a whole, I am withholding this part of your request under section 9(2)(a) of the Act. This section allows for the withholding of information to protect the privacy of natural persons, including that of deceased natural persons.

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 withhold this information. The contact details for the Ombudsman can be located at [www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz).

In accordance with Waka Kotahi policy, this response will be published on our external website shortly.

If you would like to discuss this reply with Waka Kotahi please contact Andrew Knackstedt, Senior Manager, Media, by e-mail to [andrew.knackstedt@nzta.govt.nz](mailto:andrew.knackstedt@nzta.govt.nz).

Yours sincerely

A handwritten signature in black ink, consisting of a series of loops and a long horizontal line extending to the right.

**Dylan Hunt**  
Acting Senior Manager, Safer Commercial Transport