

17 October 2024

s9(2)(a)

REF: OIA-16485

Dear s9(2)(a)

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

Thank you for your email of 22 September 2024 requesting information about NZ Transport Agency Waka Kotahi (NZTA) and its use of advertising services under the Official Information Act 1982 (the Act).

I will respond to each aspect of your request in turn below.

1. *Does Waka Kotahi - New Zealand Transport Agency pay for advertising services on the Facebook, Instagram, LinkedIn, Google, Tik Tok or other digital platform?*
  - a. *If so, how much money has been spent, by year, on advertising on each of these platforms?*

I refer you to Appendix One, which outlines NZTA's spend on digital advertising for the last five financial years. Please note that while advertising expenditure on digital channels has increased in the last year, the overall advertising budget across all channels has reduced as part of our focus on delivering value for money and targeting the most effective and beneficial forms of advertising.

- b. *Does Waka Kotahi - New Zealand Transport Agency use any agencies to place or manage that advertising, if so who?*

NZTA uses one digital advertising agency to place our online advertisements, MBM New Zealand (MBM).

- c. *If Waka Kotahi - New Zealand Transport Agency uses any agencies to place or manage that advertising, what is (or are) the names of each of those agencies?*

Please refer to my response to question 1b.

- d. *If Waka Kotahi - New Zealand Transport Agency uses any agencies to place or manage that advertising, please provide copies of any and all legal agreement between that advertising agency and Waka Kotahi – New Zealand Transport Agency.*

In line with All-of-Government procurement processes, NZTA has signed an Advertising Services Order (ASO) with MBM. Information in scope of this part of your request is located in *Attachment 1 – MBM ASO*.

Please note, certain information has been withheld from the document provided under section 9(2)(a) of the Act to protect the privacy of natural persons, including that of deceased natural persons.

2. *If Waka Kotahi - New Zealand Transport Agency uses advertising services on digital platforms as above, does (or has) the agency created "custom audience" lists as part of those campaigns?*
  - a. *If so, please provide a list of the custom lists that have been generated, including the number of people on that list and what market segmentation was being targeted by that campaign and the date for which each custom audience was generated, along with when these audience lists were uploaded and to which platform?*
  - b. *If so, what privacy analysis was conducted prior to custom audience lists being generated?*
  - c. *If so, was the Minister responsible ever made aware that Waka Kotahi -New Zealand Transport Agency was undertaking this activity? If so, which Minister was it, and when were they notified?*
  - d. *If so, what advice was sought prior to this activity taking place?*
  - e. *If so, what lawful basis does Waka Kotahi - New Zealand Transport Agency rely on for this disclosure?*
  - f. *If so, what was the origin of the information that was included in these custom audience lists?*
  - g. *If so, did Waka Kotahi - New Zealand Transport Agency receive any specific advice as to the efficacy of the security measures around these lists, if so, who provided this advice and when was it provided? Please provide copies of the advice provided.*
  - h. *If so, what security measures are used to protect the privacy of individuals?*
  - i. *If so, is Waka Kotahi - New Zealand Transport Agency still generating and uploading custom audiences, or is this practice "on hold". If it is on hold, when and why was it put on hold?*
  - j. *If so, can people "opt-out" of being included in these custom audience lists, and if so, how many people have done so?*
  - k. *If so, has Waka Kotahi - New Zealand Transport Agency received any complaints about this practice, if so, when was the complaint received? Please provide copies of the complaints and any responses.*
  - l. *If so, did Waka Kotahi - New Zealand Transport Agency consult with the office of the Privacy Commissioner on this practice? If so, when?*
  - m. *If so, has Waka Kotahi - New Zealand Transport Agency received any reports about the effectiveness of custom audience lists? If so, please provide these.*
  - n. *If so, for each upload of the custom audience lists to each platform, what percentage of these were "matched" against the current users of each platform?*

I can confirm NZTA provides messaging that is of broad public interest and applies:

- to the public; or,
- to demographic subsets, (e.g. young men or woman); or,
- to a geographic region or locality.

As a result, NZTA does not use custom audience lists and does not target advertising in any finer detail than to large, and anonymous, demographic groups. I am therefore refusing this part of your request under section 18(e) of the Act as the information requested does not exist.

3. *Has any person from Waka Kotahi - New Zealand Transport Agency had any meetings, whether in person, by videoconference or other method, with any representative from Meta, Google, LinkedIn, Tik Tok, or any other digital advertising platform in the last 12 months?*
  - a. *If so, who was present during these meetings?*

For the past 12 months to 22 September 2024, NZTA has had one meeting with a digital advertising platform. The NZTA staff members listed below met with a representative of TikTok Australia and New Zealand, facilitated by our advertising partner, MBM:

- Phill Sherring, Principal Marketing Advisor
- Matthew Itzstein, Senior Marketing Advisor
- Ellie Trotter, Senior Marketing Advisor
- Bianca Stables, Senior Advisor Safety Partnerships
- Grace Forlong, Marketing Advisor.

I am withholding the names of third-party representatives under section 9(2)(a) of the Act to protect the privacy of natural persons.

- b. *If so, please provide the agenda, notes, minutes and any communications associated with these meetings.*

No agenda, minutes or notes were taken during the meeting. The meeting was arranged by MBM from a regular call with NZTA, and so NZTA does not hold any communications associated with the contents of the meeting or the organisation of it. Therefore, this part of your request has been refused under section 18(e) of the Act as the information does not exist.

I can advise the meeting included a presentation by TikTok Aus-NZ that focused on platform best practice, how users interact with the platform and how to deliver TikTok-first creative content that is fit for the platform. At the end of the session, we discussed how this could apply to some of the existing, and upcoming NZTA campaigns.

- c. *Does Waka Kotahi - New Zealand Transport Agency have a dedicated account manager with Meta, Google, LinkedIn, Tok Tok or any other digital advertising platform. If so, what is the name of this person or the names of these people?*

NZTA does not have a dedicated account manager for any of these platforms.

4. *Please provide any correspondence, e-mail, document, or record held by Waka Kotahi - New Zealand Transport Agency on the subject of custom audience lists, advertising on Meta, Facebook, Instagram, Google, Tik Tok or any other platform for the period 1 September 2024 and today.*

NZTA has not and does not use custom audience lists as part of our digital advertising or content. I am therefore refusing this part of your request under section 18(e) of the Act as the information requested does not exist.

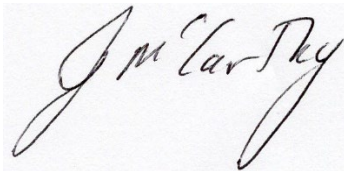
With respect to the information that has been withheld from parts of this request, I do not consider there are any other factors which would render it desirable, in the public interest, to make the information available.

Under section 28 of the Act, you have the right to ask the Ombudsman to review my decision to refuse some parts of your request and to withhold some information. The contact details for the Ombudsman can be located at [www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz).

In line with NZTA policy, this response will soon be published on our website, with personal information removed.

If you would like to discuss this reply with NZTA, please contact the Ministerial Services team by email to [official.correspondence@nzta.govt.nz](mailto:official.correspondence@nzta.govt.nz).

Yours sincerely

A handwritten signature in black ink, appearing to read 'Jan McCarthy', is centered on a light grey rectangular background.

**Jan McCarthy**  
Acting National Manager, Communications and Marketing

**Appendix 1:**

<b>Financial year</b>	<b>Meta (Facebook + Instagram) (\$)</b>	<b>LinkedIn (\$)</b>	<b>Google (incl. YouTube) (\$)</b>	<b>TikTok (\$)</b>	<b>Other (\$)</b>	<b>Total all channels (\$)</b>
2019/20	68,009.63	354.42	0	0	Ext: 1,418,015.47	1,486,379.52
2020/21	128,082.43	0	Int: 0 Ext: 3,001.95	0	Ext: 1,270,860.70	1,401,945.08
2021/22	Int: 84,279.83 Ext: 10,062.77	400	Int: 0 Ext: 26,319.07	0	Ext: 489,945.71	611,007.38
2022/23	Int: 103,144.93 Ext: 54,572.27	650	Int: 1,379.70 Ext: 76,721.07	0	Ext: 1,100,347.91	1,336,815.88
2023/24	Int: 109,794.67 Ext: 97,216.82	0	Int: 6,204.57 Ext: 55,444.36	Ext: 10,003.86	Ext: 2,116,556.51	2,395,220.79

Notes on the above:

- This spending has been broken into 'internal' (Int) advertising placed directly by NZTA, and 'external' (Ext) advertising placed by the relevant contracted agency at the time of the advertising being purchased.
- 'Other' includes 'programmatic' advertising (buying digital ad space on websites with banner ads, buying space on specific sites such as TradeMe).
- This information has been compiled from invoices between the 2019/20 and 2023/24 financial years.
- Some invoices are simply labelled 'social media advertising' and are unable to be attributed to any specific platform, these have been included in the 'other' category as a result. The same approach has been taken when multiple platforms are listed on the same invoice but are unable to be split out as individual items.