

2 July 2020

Gerard Byrne
fyi-request-13061-76e77286@requests.fyi.org.nz

REF: OIA-6745

Dear Gerard

Request made under the Official Information Act 1982

Thank you for your email of 9 June 2020 requesting the following information under the Official Information Act 1982 (the Act):

can you please provide all documentation which allows your employee to harass my wife and video my family.

As directed by Judge Corkill you are to leave my wife and family alone.

https://scanmail.trustwave.com/?c=2838&d=xIHe3tcRMYg09IU51Dh3T3bIk7Kd4p50QBPfO7_bA&u=https%3a%2f%2fwww%2eemploymentcourt%2egovt%2enz%2fassets%2fDocuments%2fDecisions%2f2019-NZEmpC-187-Byrne-v-NZ-Transport-Agency-jud-131219%2epdf

your employee was videoing me on the side of my property yesterday morning at approx 7.05am. is his ph a NZTA supplied ph?

he is also still calling the police on us stating malicious unfounded claims.

he is also harassing his 77yr old neighbour who supported us during your malicious and vexatious attacks on my wife and myself, and is now the subject of your employees nasty behaviour.

please provide all documentation which says he is exempt from the law.

Please provide all material related to his malicious claims from Jan 2018.

I am refusing your request under section 18(h) of the Act as Waka Kotahi NZ Transport Agency has determined that the request is frivolous or vexatious or that the information requested is trivial.

In coming to this determination, I have considered a number of factors in line with the Office of the Ombudsman's guidelines for the application of s18(h), including:

- the burden the requests place upon Waka Kotahi
- the purpose or value of the requests
- the intention of the requests, including the history and context
- the effect of the requests on Waka Kotahi staff.

I consider that the history and context of these requests suggest that they have gone beyond what is reasonable. Therefore, based on the evidence and circumstances, I consider that the use of s18(h) to refuse the requests is justified.

With respect to the information that has been refused, 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 some information. The contact details for the Ombudsman can be located online at www.ombudsman.parliament.nz.

If you would like to discuss this reply with Waka Kotahi, please contact Katrina Leather, Manager Employment Relations, by email to katrina.leather@nzta.govt.nz.

Yours sincerely

A handwritten signature in black ink, appearing to read 'CLokum', with a long horizontal flourish extending to the right.

Chris Lokum
General Manager People