

19 June 2023

Sue Garden

Via email

Email: fyi-request-22840-00207209@requests.fyi.org.nz

Kia ora Sue

REQUEST FOR INFORMATION UNDER THE LOCAL GOVERNMENT OFFICIAL INFORMATION AND MEETINGS ACT 1987 (LGOIMA) – EMPLOYEE ATTENDANCE AND OFFICE EXPENSES

Your request

On 22 May 2023, we received your request for information via Auckland Council.

Thank you for your subsequent response to our requests for clarification. As advised, this constituted a new request for the purposes of calculating maximum statutory timeframes for us to respond, in accordance with s 13(7) of LGOIMA

You have requested to provide the employee attendance data and office expenditure data for our head office 73 Remuera Road. In particular, your request was as follows:

1. *Average staff attendance rates at Watercare Offices for past 2 financial years:*
 - I. *The average attendance rate of staff at the offices of Watercare for the last and current financial year.*
 - II. *The average attendance rate of executive team members, including the Chief Executives, at the offices of Watercare for the last and current financial year.*

For the purposes of this request, "attendance" refers to the physical presence of individuals at their respective office locations during regular working hours. "Executive team" refers to the senior management or leadership team at Watercare.

2. *Expenditure on office facilities for past 2 financial years:*
 - I. *The total expenditure incurred by Watercare for office facilities (including rates, maintenance, lease/rental costs, utilities, and related expenses).*

Our response

1. ***Average physical staff attendance rates at Watercare Newmarket Office for past 2 financial years:***
 - I. ***The average physical attendance rate of staff at the Watercare Newmarket office for the last and current financial year.***

II. *The average physical attendance rate of executive team members, including the Chief Executives, at the Watercare Newmarket office for the last and current financial year.*

Your request in relation to both item (I) and (II) is refused under section 17(g) of the LGOIMA¹.

The reason for the refusal is that Watercare does not hold the information you have requested.

An explanation of the steps taken by Watercare to respond to your request and the reasons why your request has been refused pursuant to section 17(g) of the LGOIMA is set out below.

Watercare's Flexible Working Policy

Watercare introduced a flexible working policy in June 2020 (a copy of the policy is enclosed as Attachment 1) (the Policy). The Policy sets out guidance for Watercare employees and executives on how to apply a flexible approach to working at Watercare.

The Policy allows for Watercare employees and executives to work flexibly from sites other than Watercare's offices, all or some of the time. In accordance with the terms of the Policy, Watercare employees and executives may choose to work at a location other than a Watercare office. This means that those Watercare employees and executives who are employed at the Watercare Newmarket office, may not always physically work from the Watercare Newmarket office (or may choose to work for part of a particular day at the Newmarket office and the remainder of the day at another location).

Watercare does not maintain records of which employees and executives were working remotely versus those who were working in the Newmarket office on a particular day.

Security System Access Records

The Watercare Newmarket office maintains a security access system which requires Watercare employees and executives to use their unique security tags to gain access through various security access points throughout the office building (such as lifts and security doors).

A request was made to the Watercare Security Systems Manager to determine if the digital records of employees and executives tagging through the security access points in the Newmarket office could be used to produce records of physical attendance.

¹ Under section 17(g) of the LGOIMA, a requested made under section 10 may be refused on the basis that the information requested is not held by the local authority and the person dealing with the request has no grounds for believing that the information is either:

- (i) held by another local authority or a department or Minister of the Crown or organisation; or
- (ii) connected more closely with the functions of another local authority, or a department or Minister of the Crown or organisation.

While the raw data recording which employees/executive tagged in and out of each security access point on a particular day can be downloaded from the Watercare security system, this data does not provide accurate information regarding physical attendance at the Newmarket office for several reasons:

- Watercare employees and executives are not required to tag in and out every time they enter and exit the Newmarket office (e.g. one employee may tag into the elevators, and a number of other employees can ride in the same elevator to get to their desks).
- There are security access points in the Newmarket office. But employees and executives only need to use their security access tag if they pass through a security access point. An employee/executive may have been physically present in the Newmarket office but may not have needed to tag in to pass through a security access point on that day, in which case the security system will not have a record of that employee/executive's presence in the Newmarket office;
- The security system records each time an employee/executive tags through a security access point. This means that an employee/executive may have been recorded tagging through numerous security access points over a particular day rather than there being a record of a single entry and exit in relation to that employee/executive;
- While an employee/executive may have to present their access tag to get through a secure door or operate a lift, to exit through a secure door simply requires the push of a 'request to exit' button and there is no record of who activated the button or how many people passed through while the secure door was open; and
- an employee/executive may have been physically present in the Newmarket office for only a short period of time on a particular day and may have then left the Newmarket office to work remotely. While the security system may have recorded that employee/executive tagging through a security access point, the security system will not have a record of how long the employee/executive was physically present in the Newmarket office.

In summary, the information that can be downloaded from the Watercare security access system is simply raw data and cannot be used to produce accurate records of employee and executive physical attendance at the Newmarket office.

Watercare IT network access records

We also considered whether the attendance information you requested could be produced through the Watercare IT system by checking which employees and executives logged into the IT system from in the Newmarket office on a particular day. However, again, the way our IT systems works means we are unable to obtain any accurate data to help answer your request.

2. Expenditure on Watercare Newmarket office facilities for past 2 financial years:

1. The total expenditure incurred by Watercare for Newmarket office facilities (including rates, maintenance, lease/rental costs, utilities, and related expenses).

A table below sets out the expenditure for Newmarket office facilities for past two financial years. Please note that the Council rates and water charges are from 1 April to 31 March as they are being managed by the property management services.

Expenditure on Newmarket office facilities	FY22 (in \$) (as at 30 June 2022)	FY21 (in \$) (as at 30 June 2021)
Council rates	372,919 (from 1 April 2021 to 31 March 2022)	364,711 (from 1 April 2020 to 31 March 2021)
Maintenance		
• <i>Landlord maintenance</i>	326,751	366,112
• <i>Office maintenance – general</i>	81,713	94,715
• <i>Lease/rental costs</i>	4,983,825	4,850,438
Utilities		
• <i>Water</i>	10,298 (from 1 April 2021 to 31 March 2022)	10,234 (from 1 April 2020 to 31 March 2021)
• <i>Electricity</i>	121,606	143,209

Further options

You have the right to seek an investigation and review by the Ombudsman of this response. Information about how to make a complaint is available at www.ombudsman.parliament.nz or freephone 0800 802 602.

Ngā mihi



Emma McBride

Head of Legal and Governance