



12 July 2016

Mr Geoff Houtman

fyi-request-4134-cc75637b@requests.fyi.org.nz

Dear Mr Houtman

Auckland Transport - CAS-327226-K1Z7L5 - Berm Parking Query

We have reviewed your recent correspondence concerning enforcement of the Auckland Transport Traffic Bylaw 2012.

We refer to the following extract from “The LGOIMA for local government agencies, A guide to processing requests and conducting meetings” (page 6) available on the Ombudsman’s website:

For the LGOIMA to apply, the information must be held by the agency concerned. With the exception of providing a response to a request for a statement of reasons, there is **no obligation on an agency to form an opinion or create information** to answer a request.

If a requester seeks information by asking a question, there is a distinction between:

- questions which can be answered by providing information already known to and held by the agency (official information); and
- questions which require the agency to form an opinion or provide an explanation and so create new information to answer the request (**not** official information).

The three questions that you have asked fall into the second category, which require Auckland Transport to form an opinion or provide an explanation, thus creating new information which is not official information and is not within the scope of LGOIMA.

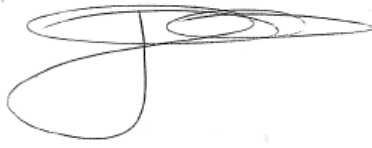
AT has however considered your questions and provides the following general comments about enforcement of offences:

- AT has a range of enforcement options, and taking proceedings for an alleged offence is only one option available.

- AT notes all reports of parking issues provided by members of the public and passes them on to the appropriate team for consideration. Enforcement decisions involve an assessment of the facts and circumstances to determine what, if any, action is appropriate.
- AT does not have unlimited resources and is required to prioritise its enforcement resources. AT generally prioritises enforcement involving genuine safety concerns over non-safety related enforcement.

We trust the above information has addressed the matters raised and appreciate you bringing it to our attention.

Yours sincerely

A handwritten signature in black ink, appearing to be 'John Strawbridge', written in a cursive style.

John Strawbridge
Parking Services Manager