

14 February 2013

Glen Barnes

[fyi-request-723-2b1c47e8@requests.fyi.org.nz](mailto:fyi-request-723-2b1c47e8@requests.fyi.org.nz)

Dear Mr Barnes

**Official Information Act request**

Thank you for your email of 28 January 2013 clarifying the purposes for which you are requesting a copy of the public register of licensees (register).

Your request for access to the register as a bulk download / data file is declined under s 18(c)(i) of the Official information Act 1982 (OIA).

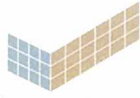
The register is dynamic. Changes are made to it on a daily basis as a result of disciplinary findings being made against licensees and licensees notifying the Registrar of changes in their circumstances under s 67 of the Real Estate Agents Act (Act). Any changes made to a licensee's details by the Registrar are made in real time and are immediately available on the register.

Based on the information you have provided you have outlined you want the register information for the purposes of adding a real estate number field to your database for the public's use. This would allow you to determine whether the person is a current licensed real estate agent and it would also allow you to check details against your current database. With your proposed use for the register information we do not consider that providing a static copy of the register would be consistent with the purpose of the register under s 64 of the Act. A static copy of the register would become quickly out of date and would provide incorrect information to the public. Under s 70 of the Act, any person who searches the register for a purpose other than those set out in s 64 must be treated as though that person has breached an information privacy principle under section 66(1)(a)(i) of the Privacy Act.

You have also requested whether it would be possible to provide machine readable access to the register on an on-going basis to keep your internal database in sync.

The Authority is not able to provide a copy of the register in a machine readable format on an on-going basis. In order to comply with s 64 of the Act, any copies of the register would need to be updated daily in order accurately reflect what is available to the public on the register. Because substantial collation of information would need to occur in order to provide daily copies of the register the Authority is also declining this aspect of your request under s 18(f) of the OIA.

While the Authority appreciates the time you have taken to raise the issue of the register being more openly available, the Authority does not have the functionality to provide live feeds of updates to the register. In order to make such information available the Authority would need to implement



substantial changes to its Information Technology system. As a levy funded organisation, this would involve liaison with the Authority's stakeholders, investigation of the logistical possibilities and an assessment of the cost and risk analysis of providing the register of licensees in any format other than what is currently provided.

You are encouraged to contact the Authority in the first instance if you are unhappy with my response or if you wish to discuss any of the issues raised. Alternatively you are entitled to complain under s 28(3) of the OIA.

You may write to the Ombudsman at the below address, or make a complaint online at [www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz).

The Ombudsman  
PO Box 10 152  
WELLINGTON 6143

Yours sincerely

A handwritten signature in blue ink, appearing to read 'M Sawyers', is written over a horizontal line. The signature is enclosed within a large, hand-drawn oval.

Martin Sawyers  
Operations Manager  
Real Estate Agents Authority  
Phone 0800 367 7322