

## Charge for supply of correspondence regarding proposals to lower the drink-drive limit

<b>Legislation</b>	Official Information Act 1982, s 15(1A)
<b>Agency</b>	Ministry of Transport
<b>Ombudsman</b>	David McGee
<b>Case number(s)</b>	302392
<b>Date</b>	June 2012

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### *Example of how to calculate a reasonable charge—no remission of charge in the public interest*

The Ministry of Transport charged \$9,220 to supply all correspondence received by the Minister from July 2009–November 2010 regarding proposals to lower the drink-drive limit and the Land Transport Amendment Bill. The requester complained to the Ombudsman. The charge was revised down to \$3,262.20 during the Ombudsman’s investigation.

The Ministry and the Ombudsman’s investigator together searched the Ministry’s database for correspondence received between July 2009 and November 2010 with the following search terms:

- *‘blood alcohol concentration limit’; or*
- *‘lowering of the BAC’; or*
- *‘drink driving’; or*
- *‘BAC limit’; or*
- *‘Land Transport (Road Safety and Other Matters) Amendment Bill’.*

The search returned 1180 potentially relevant documents.

The Ministry and the Ombudsman’s investigator then reviewed a sample of the documents, and agreed upon the following assumptions regarding the chargeable activities required to process the request:

- Search database: 15 minutes;
- Review document to confirm within scope: 5 hours (15 seconds per document);
- Open and print each letter/email: 10 hours (30 seconds per document);
- Prepare documents for photocopying: 20 hours (1 minute per document); and
- Time spent photocopying: 5 hours (15 seconds per document).

This came to an estimated maximum of 40.25 hours processing time, plus photocopying for 1416 pages. Applying the charging formula— $(([Estimated\ hours\ staff\ time] - 1) \times \$76) + (([Estimated\ pages\ to\ be\ photocopied] - 20) \times \$0.20) = [Amount\ agency\ may\ wish\ to\ consider\ charging]$ — $(40.25 - 1 \times \$76 + 1416 - 20 \times \$0.20)$  resulted in a charge of \$3,262.20.

The Ombudsman also considered whether that charge should be remitted in the public interest. He had regard to the controversial nature of the decision not to lower the drink-drive limit, and the high public interest in the information that led to that decision, as well as the views of the general public. However, much of this information was already available through the select committee process for the Land Transport Amendment Bill. Public submissions on that Bill had also been published on the parliamentary website. The Ombudsman concluded there was not a public interest in release of the requested information sufficient to warrant remission of the revised charge.

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