

Charge for supply of information relating to cycling fatalities

Legislation	Official Information Act 1982, s 15(1A)
Agency	New Zealand Police
Ombudsman	David McGee
Case number(s)	319893
Date	October 2012

Provision of readily retrievable information—no remission of charge for supplying the remaining information in the public interest—some information was available pursuant to a charging regime set by statute and the OIA could not override this

A requester asked the Police for a range of documentation relating to cycling fatalities since 2007, as well as answers to specific questions. Police said the request would take a considerable amount of time, which would be charged for in accordance with the *Charging Guidelines*. The requester complained to the Ombudsman.

The Ombudsman asked the Police whether there was any information relevant to the request that could be provided with less effort than the work needed to answer the request in full. In particular, the first part of the request, which was for ‘a list of all fatalities involving a bicycle since 2007, including police file numbers, dates and locations’, seemed a possible option. Police were able to compile and supply a report addressing some aspects of the request using the Crash Analysis System (CAS) database free of charge.

The Ombudsman considered whether it was reasonable to charge for the remaining information at issue. He found that a reasonable estimate of the time required to compile that information was 94 hours, resulting in a charge calculated in accordance with the *Charging Guidelines* of \$7,068.

The Ombudsman then considered whether that charge should be remitted in the public interest. The requester contended that the information was needed to assist in the preparation of submissions for a Coroner’s inquiry into cycling fatalities, and that his overall aim was

increased public health and safety. These aims clearly aligned with the public interest factors suggested in the *Charging Guidelines* as warranting remission.

However, the Ombudsman considered that the public interest in release needed to be sufficiently compelling to justify spending this much staff time on one request without charging for it:

The staff time involved (over 90 hours) is funded by the public purse, and to my mind it is reasonable to expect a tangible public benefit from the use of that level of resource.

The Ombudsman did not consider this case met that threshold. The readily retrievable information already released by the Police would have adequately assisted in the preparation of submissions to the Coroner's inquiry. The Coroner also had the power to request information direct from the Police if it was necessary for the purpose of the inquiry. The Ombudsman was not persuaded the charge should be remitted in the public interest.

The Ombudsman also noted that the primary source of much of the requested information was traffic accident reports. These reports are available pursuant to a charging regime set by statute. [Section 211 of the Land Transport Act 1998](#) provides that traffic accident reports are available on payment of the prescribed fee, and the [Land Transport \(Assessment Centre and Accident Report Fees\) Regulations 1998](#) provide that the prescribed fee is \$55. The OIA could not override this.

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