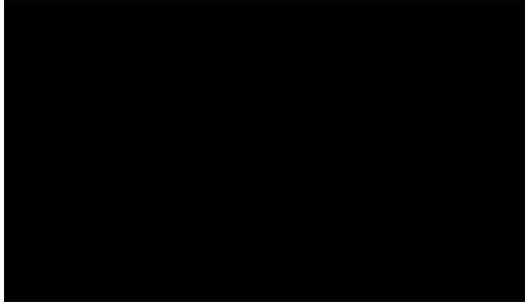


1 March 2019



Official Information Act #18.142 – Otago/Southland complaints

1. We refer to your request received on 14 January 2019, where you asked the Commerce Commission (Commission) for the number of complaints received about businesses in Otago and Southland in 2016, 2017 and 2018, including the following information:
 - 1.1 the type of each business (i.e. retail etc);
 - 1.2 where each of these businesses is located (i.e. town/city);
 - 1.3 when each complaint was received;
 - 1.4 whether each complaint went on to be investigated or not; and
 - 1.4.1 for complaints that were investigated, whether they were upheld/lead to charges, and if so, what the penalty/charges were.
2. You asked the Commission to provide the information to you in .csv format.
3. On 17 January 2019, in response to our email of the same date, you amended your request to be for a copy of the Commission's entire complaints database from the start of 2015 to the end of 2018, provided in .csv format.
4. On 31 January 2019, in response to our email of 23 January 2019, you amended your request back to paragraph [1] with the following refinements:
 - 4.1 the trader name and/or complaint description contains one or more of the keywords at Appendix A; and
 - 4.2 the complaint was received between 2014 and 2018.¹

¹ We have treated this as the period from 1 January 2014 to 31 December 2018 (the relevant period).

5. We have treated this as a request for information under the Official Information Act 1982 (OIA).

Our response

6. We have decided to grant paragraphs [1]² and [1.3] of your request, and decline paragraphs [1.2], [1.3] and [1.4] of your request.

Number of complaints

7. We have searched our complaints database, and the number of complaints received by the Commission matching the criteria at paragraph [4] above is **2,349**.

Date received

8. **Attachment A** contains a spreadsheet in .csv format containing the enquiry number, date received and relevant keyword(s) for each complaint referred to at paragraph [7] above.

Remaining information

9. We have declined the remainder of your request under section 18(f) of the OIA on the basis that some of the information cannot be made available without substantial collation, and under section 18(g) of the OIA on the basis that some of the information is not held by the Commission.

Type of business

10. As we explained in our email of 17 January 2019, our complaints database does not contain a field for the type of business. This information would need to be created by the Commission. We have declined this part of your request under section 18(g) of the OIA, on the basis that the information is not held by the Commission.

Trader region/location

11. As we explained in our email of 17 January 2019, our complaints database does not contain a field for trader region or location.

12. Our complaints database does contain a field for trader contact details, however it has a number of limitations:

12.1.1 our database does not always contain a trader's physical address, we commonly use email or web address details;

12.1.2 searching this field would not capture national or international businesses with a branch in the relevant location but main contact

² The number of complaints received by the Commission where the trader name and/or complaint description contains one or more of the keywords at Appendix A, received between 1 January 2014 to 31 December 2018.

details outside that location (for instance, head office in Auckland with a branch in Dunedin);

12.1.3 searching our database by keyword(s) can result in 'false positive' results, for instance partial matches such as 'Hamilton' returned by 'Milton' and 'Whangaparaoa' returned by 'Ngapara';

12.1.4 we would need to manually check each result for complaints received during the relevant time period, which would be a significant exercise for the Commission.

13. We have declined this part of your request under section 18(f) of the OIA, on the basis that the information cannot be made available without substantial collation.

Investigations/investigation outcomes

14. Our complaints database contains an entry for decision. This ranges from 'no further action', 'add to demand' (for an investigation), or 'add to [an existing] investigation'. A complaint that has been marked no further action may be revisited at any time, should we wish to reconsider the issues it presents.
15. If a complaint is marked for demand or investigation, it migrates and is marked as closed in our complaints database. This does not mean that the demand or investigation is closed. We would need to manually check at what stage each demand or investigation was, and assess the prejudice that may or may not arise from disclosure. This would be a would be a significant exercise for the Commission.
16. The information on each investigation outcome (paragraph [1.4.1] of your request) would need to be collated manually alongside the exercise at paragraph [15] above.
17. We have declined this part of your request under section 18(f) of the OIA, on the basis that the information cannot be made available without substantial collation.

Further grounds

18. In addition to the above, as explained in our email of 23 January 2019, we would need to assess each entry for release under the OIA, including (but not limited to):
- 18.1 prejudice to the maintenance of the law, including the prevention, investigation, and detection of offences, and the right to a fair trial (section 6(c));
- 18.2 privacy of natural persons (section 9(2)(a));
- 18.3 commercial prejudice to the person who supplied or who is the subject of the information (section 9(2)(b)); and
- 18.4 prejudice to the supply of similar information, or information from the same source (section 9(2)(ba)(i)).

Further information

19. We have considered whether we could meet your request by fixing a charge or extending the time limit (section 18A of the OIA), however the exercise we have described at [11] – [18] above would be prohibitive for the Commission, even with additional time or a charge.
20. If you are not satisfied with the Commission's response to your OIA request, section 28(3) of the OIA provides you with the right to ask an Ombudsman to investigate and review this response. However, we would welcome the opportunity to discuss any concerns with you first.
21. Please note the Commission intends to publish this response to your request on its website. Personal details will be redacted from the published response.
22. If you have any questions regarding this request, please do not hesitate to contact us at uia@comcom.govt.nz

Yours sincerely,



Rosie Brown
OIA Coordinator

Released under the Official Information Act 1982

Appendix A

Otago
Southland
Albert Town
Alexandra
Allanton
Aramoana
Arrowtown
Arthurs Point
Balclutha
Bannockburn
Beaumont
Becks
Bendigo
Benhar
Berwick
Brighton
Broad Bay
Caberfeidh
Cardrona
Clarksville
Clinton
Closeburn
Clyde
Cromwell
Dunback
Dunedin
Duntroon
East Taieri
Edievale
Ettrick
Evansdale
Fairfield, Otago
Fernhill, Queenstown
Finegand
Frankton, Otago
Fruitlands
Gabriel's Gully
Gibbston
Glendhu Bay
Glenledi
Glenomaru
Glenorchy
Glenpark
Green Island
Hampden
Harington Point

Hāwea
Hawksbury
Henley
Herbert
Heriot
Hindon
Hyde
Ida Valley
Inch Valley
Jack's Bay
Jack's Point
Kaitangata
Kaka Point
Kakanui
Karitane
Katiki
Kelvin Heights
Kia Ora
Kingston
Kurow
Kyeburn
Lake Hayes Estate
Lauder
Lawrence
Livingstone, Otago
Long Beach
Lowburn
Luggate
Macandrew Bay
Maclennan
Macraes
Maheno
Makareao
Makarora
Middlemarch
Milburn
Millers Flat
Milton
Moeraki
Momona
Morrison
Mosgiel
Naseby
Ngapara
Oamaru
Omakau
Ophir
Otakou

Otanomomo
Otematata
Oturehua
Outram
Owaka
Paerau
Palmerston
Papatowai
Paradise
Patearoa
Poolburn
Port Chalmers
Port Molyneux
Portobello
Pounaweia
Pukehiki
Pukeuri
Quail Rise
Queenstown
Raes Junction
Ranfurly
Romahapa
Roxburgh
Saint Bathans
Sawyers Bay
Seacliff
Shotover Country
Stirling
Stoneburn
Sutton
Tahakopa
Tahora, Otago
Taieri Mouth
Tapanui
Tarras
Tokarahi
Toko Mouth
Waiholo
Waikouaiti
Waitahuna
Waitati
Waiwera South
Waldronville
Wanaka
Wangaloa
Warrington
Wedderburn
Weston

Windsor
Wingatui
Ashers
Athol
Balfour
Birchwood
Bluff Harbour
Bluff
Browns
Charlton
Chatton
Clifden
Colac Bay
Dacre
Dipton
Drummond
Edendale
Eyre Creek (locality)
Fairfax
Fortification
Fortrose
Garston
Glencoe
Gore
Gorge Road
Grove Bush
Gummies Bush
Hedgehope
Invercargill
Kapuka South
Kapuka
Kennington
Longbush, Southland
Lorneville
Lowther
Lumsden
Mabel Bush
Makarewa
Manapouri
Mandeville
Mataura
Mataura Island
Mokotua
Mossburn
Myross Bush
Nightcaps
Oban
Ohai

Omaui
Orepuki
Otautau
Oteramika
Pahia
Parawa
Pine Bush
Pukewao
Rakahouka
Riversdale
Riverton
Roslyn Bush
Springhills
Te Anau
Te Peka
Te Tipua
Thornbury
Timpanys
Titiroa
Tokanui
Tuatapere
Waikaia
Waikawa, Southland
Waimahaka
Waimatuku
Waipango
Wairio
Waitane
Wallacetown
Winton
Woodlands
Wreys Bush
Wyndham

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