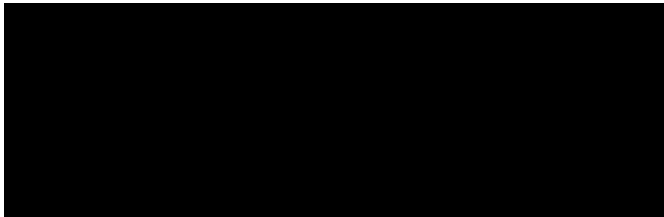


15 July 2021



Dear 

Official Information Act #21.001 – Rideshare Complaint Details (Zoomy and Uber)

1. We refer to your request received on 1 July 2021 for:
 - 1.1 The details of each of the 37 complaints about Zoomy Limited (**Zoomy**) and Uber New Zealand Technologies Limited (**Uber**) that led to them receiving Information Passed to Trader (**IPTT**) letters.
2. We have treated this as a request for information under the Official Information Act 1982 (**OIA**).

The Commission's complaints screening process

3. To provide context to the information released to you, we have outlined the Commission's complaint screening process below.
4. When a consumer contacts the Commission with a complaint about a trader, this is logged in the Commission's complaint database.
5. The Commission receives thousands of complaints every year. Each complaint is initially assessed by the Screening and Enquiries Team on the basis of the information available at the time. When conducting this initial assessment, the Screening and Enquiries Team considers:
 - 5.1 the likelihood of a breach of the relevant legislation (the Fair Trading Act 1986, Credit Contracts and Consumer Finance 2003, and the Commerce Act 1986);

- 5.2 the Commission's Enforcement Response Guidelines,¹ and;
- 5.3 the Commission's strategic priorities and resourcing constraints.
6. The Commission has the power to act on complaints but is not required to take action in relation to all possible breaches of the legislation that we enforce.
7. If a report is appropriate for further consideration, it is reviewed by a panel of managers and subject matter experts from within the Competition, Fair Trading and Credit Branches. The panel decides which reports are to be prioritised for further assessment by the Branch with reference to our Enforcement Response Model.²
8. This process enables us to identify reports that best reflect our current enforcement priorities.³ The outcomes of the process are not final and we may revisit any report at a later stage, should we wish to reconsider the issues it presents.

Our response

9. We have decided to grant your request.
10. We have set out details of the 37 complaints about Zoomy and Uber that led to them receiving IPTT letters at **Attachment A**.
11. Please note the Commission will be publishing this response to your request on its website. Your personal details will be redacted from the published response.
12. Please do not hesitate to contact us at oa@comcom.govt.nz if you have any questions about this request.

Yours sincerely



Alexandra Murray
OIA and Information Coordinator

¹ Available at: <http://www.comcom.govt.nz/the-commission/commission-policies/enforcement-response-guidelines/>

² Our Enforcement Response Model is discussed in more detail from page 3 of the Commission's Enforcement Response Guidelines, available here: https://comcom.govt.nz/_data/assets/pdf_file/0030/62589/Enforcement-Response-Guidelines-October-2013.pdf.

³ For further information, see: <http://www.comcom.govt.nz/the-commission/commission-policies/enforcement-criteria/>

Attachment A – Details of Complaints about Uber and Zoomy

Key	
Outcomes	
NFA	No Further Action
IPTT	Information Passed to Trader
Enforcement Criteria Letters	
G	Conduct is unclear/unlikely breach
Q	Appropriate for other agency or private action
V	Issues may not be timely
B	One off behaviour or appear accidental
NCI	Not a Commission Issue
C19	Covid19 Related
H	Limited detriment

Details	Summary	Outcome
Number: ENQ0538878 Date: 30/04/2020 Subject(s): Uber New Zealand Technologies Limited	C states that T's drivers are flouting the Covid-19 level 4 rules, and should not be allowed to operate during level 4 unless they follow the rules.	NFA, NCI
Number: ENQ0531054 Date: 24/09/2019 Subject(s): Uber New Zealand Technologies Limited	C, who is a driver for T, states that T has been preferentially assigning surge-priced jobs to male drivers over female drivers, and that T is difficult to contact and refuses to pass on wage information.	NFA, Q
Number: ENQ0535224 Date: 29/01/2020	C states that T charged them using another company's name.	NFA, G

<p>Subject(s): Uber New Zealand Technologies Limited</p>		
<p>Number: ENQ0547085 Date: 27/10/2020 Subject(s): Uber New Zealand Technologies Limited</p>	<p>C states they were charged for using a faulty scooter and were unable to challenge the fee.</p>	<p>NFA, G, Q</p>
<p>Number: ENQ0526898 Date: 13/06/2019 Subject(s): Uber New Zealand Technologies Limited</p>	<p>C states they were almost incorrectly charged by T.</p>	<p>NFA, G</p>
<p>Number: ENQ0533824 Date: 9/12/2019 Subject(s): Uber New Zealand Technologies Limited</p>	<p>C states they were overcharged by T and not provided a refund as the trip's price was within the fee estimate.</p>	<p>NFA, G</p>
<p>Number: ENQ0545589 Date: 22/09/2020 Subject(s): Uber New Zealand Technologies Limited</p>	<p>C states that T's driver refused to take 4 passengers at a time. C was charged a cancellation fee despite not being the one who cancelled the trip.</p>	<p>NFA, C19, Q</p>
<p>Number: ENQ0552617 Date: 29/03/2021 Subject(s): Uber New Zealand Technologies Limited</p>	<p>C states T's surge pricing is unfair.</p>	<p>NFA, G</p>
<p>Number: ENQ0527278 Date: 23/06/2019</p>	<p>C, who is a driver for T, believes T shows higher fares to riders than drivers as a way of paying drivers less.</p>	<p>NFA, G</p>

Subject(s): Uber New Zealand Technologies Limited		
Number: ENQ0535926 Date: 29/01/2020 Subject(s): Uber New Zealand Technologies Limited	C states that T refuses to provide receipts of recent trips.	NFA, G, Q
Number: ENQ0548448 Date: 2/12/2020 Subject(s): Uber New Zealand Technologies Limited	C states they were charged when they were unable to use the scooter.	NFA, G, H
Number: ENQ0542552 Date: 15/07/2020 Subject(s): Uber New Zealand Technologies Limited	C states that T's information gathering system is invasive and they hold too much personal information. C states T was unable to assist with deleting their account, and are difficult to contact.	NFA, G, Q
Number: ENQ0521349 Date: 17/12/2018 Subject(s): Uber New Zealand Technologies Limited	C states that T's surge pricing is unfair and they falsely advertise wait times.	NFA, G, H
Number: ENQ0552865 Date: 31/03/2021 Subject(s): Uber New Zealand Technologies Limited	C states that T adds undisclosed additional charges to the quoted fare price.	NFA, B
Number: ENQ0537685 Date: 6/04/2020	C states that T charged them for a trip they did not take.	NFA, G, Q

Subject(s): Uber New Zealand Technologies Limited		
Number: ENQ0520608 Date: 27/11/2018 Subject(s): Uber New Zealand Technologies Limited	C states they were overcharged by T due to undisclosed surge pricing.	NFA, G
Number: ENQ0548943 Date: 15/12/2020 Subject(s): Uber New Zealand Technologies Limited	C, who is a driver for T, states that T deleted one of C's completed trips.	NFA, Q, V
Number: ENQ0549148 Date: 21/12/2020 Subject(s): Uber New Zealand Technologies Limited	C states they were overcharged by T due to undisclosed surge pricing.	NFA, G
Number: ENQ0522808 Date: 12/02/2019 Subject(s): Uber New Zealand Technologies Limited	C states that T is not charging fairly on fares for drivers and riders.	NFA, G
Number: ENQ0522773 Date: 9/02/2019 Subject(s): Uber New Zealand Technologies Limited	C states they were unfairly charged by T.	NFA, Q
Number: ENQ0523201 Date: 21/02/2019	C states that T's drivers are being misled about their vehicle insurance policy.	IPTT

<p>Subject(s): Uber New Zealand Technologies Limited</p>		
<p>Number: ENQ0544846</p> <p>Date: 7/09/2020</p> <p>Subject(s): Uber New Zealand Technologies Limited</p>	<p>C states that they were unfairly charged by T.</p>	<p>NFA, Q</p>
<p>Number: ENQ0546159</p> <p>Date: 2/10/2020</p> <p>Subject(s): Uber New Zealand Technologies Limited</p>	<p>C states that T is behaving anti-competitively by not allowing their App-based technology to be used/accessed in multiple ways across different Apps.</p>	<p>Assessed by Screening Panel, NFA, G</p>
<p>Number: ENQ0551427</p> <p>Date: 25/02/2021</p> <p>Subject(s): Uber New Zealand Technologies Limited</p>	<p>C, who is a driver for T, states that T is unfairly paying staff, and are difficult to contact.</p>	<p>NFA, NCI</p>
<p>Number: ENQ0534257</p> <p>Date: 20/12/2019</p> <p>Subject(s): Uber New Zealand Technologies Limited</p>	<p>C states that they were incorrectly charged by T as they do not have an account with them, and T is very difficult to contact.</p>	<p>NFA, Q</p>
<p>Number: ENQ0549750</p> <p>Date: 13/01/2021</p> <p>Subject(s): Uber New Zealand Technologies Limited</p>	<p>C, who is a driver for T, states that T is not providing them with as many jobs as they previously got.</p>	<p>NFA, Q</p>
<p>Number: ENQ0530192</p> <p>Date: 1/09/2019</p>	<p>C states that T misrepresented their discount rate.</p>	<p>NFA, B</p>

<p>Subject(s): Uber New Zealand Technologies Limited</p>		
<p>Number: ENQ0546994 Date: 23/10/2020 Subject(s): Uber New Zealand Technologies Limited</p>	<p>C states that due to T not regulating its drivers, C was involved in an accident where possessions were lost on impact. C states that T has been difficult to contact.</p>	<p>NFA, G, Q</p>
<p>Number: ENQ0536326 Date: 28/02/2020 Subject(s): Uber New Zealand Technologies Limited</p>	<p>C states that, on several occasions, they have been charged a “wait fee” by T, despite the driver not having to wait.</p>	<p>NFA, G</p>
<p>Number: ENQ0534037 Date: 13/12/2019 Subject(s): Uber New Zealand Technologies Limited</p>	<p>C states that they were overcharged by T when they were part of a rewards programme.</p>	<p>NFA, G</p>
<p>Number: ENQ0524623 Date: 25/03/2019 Subject(s): Uber New Zealand Technologies Limited</p>	<p>C states that T’s drivers are intentionally cancelling rides to drive prices up.</p>	<p>NFA, G</p>
<p>Number: ENQ0534711 Date: 29/12/2019 Subject(s): Uber New Zealand Technologies Limited</p>	<p>C states that they have been incorrectly charged by T on several occasions.</p>	<p>NFA, G, Q</p>
<p>Number: ENQ0550743 Date: 1/02/2021</p>	<p>C states that T updated their terms and conditions without notifying customers or clearly explaining the changes.</p>	<p>NFA, G</p>

Subject(s): Uber New Zealand Technologies Limited		
Number: ENQ0534645 Date: 10/01/2020 Subject(s): Uber New Zealand Technologies Limited	C states that T is treating its drivers unfairly by taking commission prior to GST being deducted from fare prices.	NFA, Q
Number: ENQ0522359 Date: 24/01/2019 Subject(s): Uber New Zealand Technologies Limited	C states that they have been incorrectly charged a cancellation fee by T.	NFA, Q, B
Number: ENQ0549918 Date: 19/01/2021 Subject(s): Uber New Zealand Technologies Limited	C states that they are routinely being asked to pay cancellation fees when a driver is unable to find their address.	NFA, Q
Number: ENQ0536080 Date: 4/02/2020 Subject(s): Zoomy Limited	C states that T updated their terms and conditions, changing its service charges, without notifying customers of the changes.	NFA, G