

27 April 2021

Scott
fyi-request-14794-5d28ea77@requests.fyi.org.nz

Dear Scott

Request for Information

Thank you for your email request dated 01 March 2021 in which you requested information about the Police use of social media surveillance tools. You clarified your request:

“For the avoidance of doubt, by social media surveillance tools I mean specialised programs that facilitate the collection or analysis of social media information. I do not require any information about Police use of non-specialised programs like Google.”

Your request has been considered in accordance with the Official Information Act 1982.

Context within Policing

Within the context of Policing, the term “surveillance” is used in a number of circumstances, usually pursuant to the requirements of the Search and Surveillance Act 2012.

However, in the context of your request, I have taken your reference to “social media surveillance” to refer to Open Source Intelligence (OSINT) collection, a term that is widely used internationally and in New Zealand Police (Police). Within Police, OSINT is used to describe information from publicly available online sources.

Police undertake thousands of serious crime investigations each year that utilise a range of information collection methodologies, techniques, equipment, and people. These investigations support cases such as homicides, robberies, on-line exploitation of children, drug dealing and matters of national security to name but a few.

It is important that police, on behalf of the community, protect their tradecraft methods as much as possible to ensure that criminals do not use publicly released information to hinder police investigations. Providing criminals with information as to whether police use a particular methodology, technique, tool, or items of equipment would only harm the community and the public interest.

Police National Headquarters

180 Molesworth Street. PO Box 3017, Wellington 6140, New Zealand.
Telephone: 04 474 9499. Fax: 04 498 7400. www.police.govt.nz

Trials of Social Media Surveillance Tools

Your OIA request asked, since April 2019:

"Information about any trials of social media surveillance tools, either proof of concept or operational."

The Police Media and Communications team are currently considering the use of a social media tool, Zavy. The tool will allow the Marketing and Brand team to better understand the sentiment (tone) of the comments and engagements of posts on the official New Zealand Police social media pages. Understanding how our own social media posts perform will help us understand what messages resonate with our followers.

Business Case

Your OIA request asked, since April 2019:

"Any Business Case for the procurement of social media surveillance tools."

Business cases for relevant expenditure by Police go through a defined process managed by the Investment Portfolio Office (IPO) office.

Business cases are submitted to the relevant governance group (Stewardship and Performance Governance Group – S&PGG) for approval for the expenditure.

Since April 2019, no business cases have been submitted to S&PGG for the procurement of social media surveillance tools.

Privacy Impact Assessment

You asked about

"Any Privacy Impact Assessment related to the use of social media surveillance tools."

In addition to the Zavy tool being considered, another tool that allows for understanding attitudes, opinions, and general sentiment (through online channels – not just official New Zealand Police social media pages) has recently been discussed with the Office of the Privacy Commissioner. We are unable to advise the outcome of this discussion as the consultation not been completed.

SIGNAL software

You asked about the Police use of software mentioned in OIA request Ref 16/4806 and

"How Police use the social media surveillance tool Signal. In particular, I would like to know if Police use of Signal has in any way changed since this OIA response (Ref: 16/4806) as for instance if the tool is used by different units or for different purposes."

Signal is still used by the National Command & Coordination Centre and to varying degrees across Police Districts. It is also used by teams in the National Intelligence Centre, including the OSINT team.

All three areas use *Signal* to surface social media posts as well as to identify trend information relating to public safety and criminal events, as was previously advised in paragraph 4 of the OIA request, ref 16/4806 dated 7 July 2016.

Other Social Media Surveillance Tools

You also asked about social media tools besides *Signal* that Police may use social media surveillance.

"If Police use the social media surveillance tools of any other companies, besides Signal Corporation, and if so what companies and how are they used"

There are two other software systems that Police have publicly advised they use. They are:

Maltego is used by Police Cybercrime Unit to query open source data and visualise it in graph form. It is particularly useful in mapping internet infrastructure.

The supplier has a website (<https://www.maltego.com/>) and a number of related videos exist on YouTube https://www.youtube.com/results?search_query=maltego.

Sprout Social is used by Police Media & Communications to show engagement and performance of online social media posts made by New Zealand Police on its own official social media pages.

There are two other tools used by Police to draw on internet-based open sources to collect and aggregate open-source information.

Feedly is deployed by the OSINT team, and the Cybercrime Unit, who may decide to use it to collect information from online open source to assist with an investigation or support an intelligence report. The social media surveillance tool, searches exclusively across publicly available information and does not intercept communication or track individuals.

Requests for assistance are classed into type (national security, threat to life, child abuse, other) and passed to the Investigation or Intelligence units.

Tools that interact with private information or information protected against public disclosure, require a warrant to employ (Search and Surveillance Act 2012). The tools do not perform any online collection activity, that a member of the public could not otherwise lawfully perform themselves with a computer or smart phone. The tools make this process quicker, reduce human error, and support the efficient collection of information from the Internet.

There is one further software system that the OSINT team, and the HTCG use to draw on internet-based open sources to collect open-source information.

We are unable to provide you any other further specific details of the other social media surveillance tool and further detail's have been withheld pursuant to:

- Section s6(c) of the Official Information Act 1982 as the making available of the information is likely to prejudice the maintenance of law, including the prevention, investigation, and detection of offences and right to a fair trial.

However, a brief description of the tool with the name withheld, will soon be made public as part of our commitment to the Algorithm charter for Aotearoa New Zealand (s18 Official Information Act 1982).

National Intelligence Centre OSINT Team

In addition, you asked to be provided with details about the National Intelligence Centre OSINT Team.

"Information about what the National Intelligence Centre OSINT Team does (or is intended to do), and the size of this team."

The OSINT Team provides support to investigations and intelligence elements in New Zealand Police. Typically, the OSINT Team supports the work of other areas by conducting internet research on their behalf. Although this work is supported by tools, tools themselves are not what instigate or drive the open source work conducted by the team. Instead, the tools exist to enable the human-driven research activities of the team.

As the team typically works to support other areas it is difficult to quantify how many leads the team's work has generated as the team does not typically see the outcomes their work generates. That being said, feedback from partner teams suggests that the team's work has meaningfully contributed to criminal and national security investigations. The OSINT Team has supported more than one hundred such requests for assistance since March 2019

The OSINT Team is often able to find more open source information than non-specialist staff members and this can provide new lines of inquiry.

At times the OSINT Team has become aware of issues of national security or investigative concern ("leads") and has shared those with the relevant work areas in Police.

You asked about the size of the team. This is operational information which we are unable to supply and detail's have been withheld pursuant to:

- Section s6(c) of the Official Information Act 1982 as the making available of the information is likely to prejudice the maintenance of law, including the prevention, investigation, and detection of offences and right to a fair trial.

I trust this information satisfies your request. If you are not satisfied, you have the right to ask the Ombudsman under section 28(3) of the Official Information Act 1982 to seek an investigation and review of my decisions.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Dan Wildy', with a stylized, cursive script.

Dan Wildy
Director of Intelligence
New Zealand Police

