



15 July 2014

Mr Gavin Millar

fyi-request-1748-de2eec23@requests.fyi.org.nz

Dear Mr Millar

1. I refer to your request for information under the Official Information Act 1982 for the following information:
 - *All current policies, procedures, manuals, practice guides and memorandum or similar that are used in receiving and responding to OIA and Privacy Act requests by NZ Police*
 - *Any changes to the above that have occurred in the last 12 months*
 - *Any communication between NZ Police and the Office of the Ombudsman that relate to either current practices or recent changes.*
2. I attach guidance material relating to responding to Privacy Act and Official Information Act requests which is currently available to staff on the Police intranet:
 - the Police Manual chapter entitled 'Disclosing personal and official information'; and
 - the Information Requests system's 'Guidelines for processing information requests'.
3. The only changes to the Police Manual chapter in the past 12 months relate to links to information about electronic redaction and contact details of staff for further information or advice. There have been no changes to the Information Requests system guidelines.
4. The Police Manual chapter has undergone recent review but has not yet been republished. It is intended to merge the two sets of guidance, based principally on the Police Manual chapter and linking the Information Requests system to it.
5. As you have specifically referred to a Police response relating to eligibility under section 12 of the Official Information Act, I advise that a new paragraph has been drafted for inclusion in the Police Manual chapter as follows:

New Zealand Police Legal Services

Police National Headquarters, 180 Molesworth St, PO Box 3017, DX SX11149, Wellington 6140, New Zealand
Telephone: 64 4 474 9499 Facsimile: 64 4 498 4447 <http://www.police.govt.nz>

Identifying the requester

It is not necessary to verify the identity of an OIA requester (unless they are a NZ body corporate requesting personal information about the requester (s25)) and they do not have to provide personal details. However, if you have concerns about whether they meet the section 12 requirements of a person entitled to make a request (i.e. NZ citizen/permanent resident/in NZ), you may ask them for a reasonable level of evidence such as a NZ address or phone number (but you cannot demand proof of identity). The purpose of checking eligibility is to ensure the Official Information Act applies to your response, including the 'good faith' protection from court proceedings provided by section 48.

Where a requester is not entitled under the Official Information Act to make a request, Police is not barred from releasing information, especially where it is non-personal, non-sensitive official information, it will not impact too heavily on Police resources to do so, and there is a public interest in disclosure (e.g. an Australian researcher asks for NZ Police's policy on the Adult Diversion scheme).

If the OIA request is for personal information about a third party, the requester will need to provide sufficient information, such as evidence of their relationship, to assist you in assessing whether the public interest in releasing the information to them outweighs any privacy interest (e.g. a request from a parent or guardian for information about offending by their young child), or you will need to be satisfied that the request is properly authorised by the individual whose information is being requested.

6. Police has not changed its position regarding eligibility requirements under the Official Information Act but has endeavoured to clarify it with staff. That position is based on the following guidance provided by the Ombudsman:

With requests submitted by post, the origin of the request will usually be clear from the post mark, and the requester will normally provide a return address, which should together provide sufficient assurance that the requester is in New Zealand, and therefore eligible.

With requests submitted by email, twitter or facebook, it may not be apparent that the requester satisfies the eligibility requirements under the OIA. Agencies are entitled to make reasonable enquiries to satisfy themselves that a requester is eligible to make an OIA request. Often provision of a New Zealand postal address will suffice. This information can be conveyed, if requested, via personal message. The working day count won't start until it is clear that the request is made by a person who is eligible to do so.

Agencies must be mindful of their obligation to provide reasonable assistance to a person who wants to make an official information request, but hasn't made one in compliance with the legislation.

[http://www.ombudsman.parliament.nz/system/paperclip/document_files/document_files/156/original/official_information_requests_made_by_twitter_and_facebook.pdf?1344201711]

7. Police acknowledges that its guidance material may have been equivocal regarding eligibility, and the standard Police request form offered to requesters allows for more detail than may be necessary for an OIA request via email, and its completion in full is not necessary to provide assurance of eligibility. The form has also been updated to accord with Police policy and will be published for national use in the near future.
8. As at the date of your request, I was not aware of any communications with the Office of the Ombudsman about Police's practices or recent changes. (I assume your query is limited to the issue of Police's practices regarding eligibility.) Police therefore refuses this aspect of your request pursuant to section 18(e) as the information requested does not exist or cannot be found.
9. If you are not satisfied with my response to your request, you have the right to complain to the Office of the Ombudsmen and seek an investigation and review of my decision.

Yours faithfully



Katherine Baird
Senior Adviser: Information & Privacy
Legal Service Centre