

19 December 2022

Mason Helm

[fyi-request-20978-ec15627d@requests.fyi.org.nz](mailto:fyi-request-20978-ec15627d@requests.fyi.org.nz)

Dear Mason

Thank you for your Official Information Act 1982 (OIA) request of 30 October 2022, where you requested the following information:

On 27/10/2022 I received a blanket refusal of several outstanding OIA requests related to ANPR surveillance under s18(f) - substantial collation or research:

<https://fyi.org.nz/request/20598/response/78822/attach/4/Helm%20Mason%20Response%20to%20multiple%20requests.pdf>

I have refined my request as follows.

**CONTEXT:**

*In the recent OIA response related to Operation HIKING on page 344 it is stated that the "stolen" NIA alert for women's vehicle was entered on 14/10/2021 at 8.12 am. On page 201 it is then stated that "stolen [redacted] removed from vehicle by detective Murray Spiers" on 29/10/2021 (14 days later?): IR-01-22-6730*

[https://www.documentcloud.org/documents/22275158-davidfisher\\_ir-01-22-6730-response\\_redacted\\_compressed](https://www.documentcloud.org/documents/22275158-davidfisher_ir-01-22-6730-response_redacted_compressed)

*The effect of entering a stolen alert in the NIA was that the women would be subject to real time ANPR alerts across all ANPR platforms including Mobile ANPR (Police Cars), Static Police Cameras, Auror & vGRID. As stated by the Police Manual Chapter on ANPR, real time alerts require a tracking warrant (<https://www.police.govt.nz/about-us/publication/automatic-number-plate-recognition-police-manual-chapter-0>).*

*In response to several media requests in September 2022, the Police stated that this alert was "lawful" due to the public health risks. Presumably the police are referring to their emergency warrantless tracking device use authority under to the s 48(2)(b) of the search and surveillance act, relying on s 14(2)(b): a risk to life or safety that requires an emergency response.*

Each point has been dealt with individually as follows:

1. *all available information on what statutory power did the police exercise to track the women via ANPR?*

Police relied on section 71A of the Health Act 1956 – Power of constables to assist medical officer of health in relation to infectious diseases; and

Information privacy principle 11 of the Privacy Act 2020 (1)(f)(i) – an agency that holds personal information must not disclose the information to any other agency or to any person unless the agency believes, on reasonable grounds, that the disclosure of the information is necessary to prevent or lessen a serious threat to public health or public safety.

2. *all available information on how many hours the 'stolen' alert was on the women's vehicle?*

Police can confirm the following:

Vehicle 1 – 4 hours and 42 minutes

Vehicle 2 – 18 days.

3. *If the authority for tracking the women was derived from the Search and Surveillance act s 48 (emergency powers to use the tracking device), was a report by s 60 provided to a judge?*

Your item 3. is refused under section 18(e) of the OIA – as the information requested does not exist as the power you refer to was not utilised.

4. *If so, please provide a redacted copy.*

Your item 4. is refused under section 18(e) of the OIA – as the information requested does not exist as per Item 3. above.

5. *if there were multiple vehicles listed as 'stolen' please provide the above information for each.*

Your item 5. is refused under section 18(e) of the OIA – as the information requested does not exist.

You have the right to ask the Ombudsman to review my decision if you are not satisfied with the response to your request. Information about how to request a review is available at:

[www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz).

Yours sincerely

*LCleaver*

L Cleaver  
Senior Project Officer

**Tamaki Makaurau – Information Request Team**

**Piki Ki Te Ao**, 482 Great South Road, Otahuhu, Auckland

Telephone: 09 839 0634. Email : IR.Northern@police.govt.nz