

21 July 2023

Mason Helm
fyi-request-23086-4c01778f@requests.fyi.org.nz

Dear Mason

Request for information

I refer to your Official Information Act 1982 (OIA) request of 10 June 2023, in which you asked for information about Police's audit of Automatic Number Plate Recognition (ANPR):

After media reports of the Police misuse of Auror and vGRID in September 2022, the Police conducted an audit of the 350,000+ vehicle location / information searches from between 2018 and October 2022 on their third-party ANPR surveillance systems, namely Auror and SaferCities (vGRID).

The Police previously refused my request on (a) how many live ANPR alerts (tracking) were conducted on Auror and vGRID; and (b) how many surveillance device warrants had been obtained for Auror and vGRID.

This information is now held by the Police in an accessible dataset, as indicated by the Police's recent publication on the Audit process:

The audit involved "extracting aggregate raw data files [for all] queries ... [on Auror and vGRID, then] match[ed] other data available in Police's National Intelligence Application (NIA) including ... warrant information to produce a dataset ..."

Police's response to each of your questions is set out below.

1. *[P]lease provide: - an Excel file of the cited dataset with personal information removed.*

Raw data was obtained from each of the platform providers for solely the purpose of the audit. The raw data also contains information which, if released, would likely provide competitors a commercial advantage by providing details of the platforms' capabilities. This information is therefore withheld under the following grounds:

- section 9(2)(b)(ii) of the OIA, as making the information available would be likely to unreasonably prejudice the commercial positions of Auror and SaferCities
- section 9(2)(ba)(i) of the OIA, to protect information which is subject to an obligation of confidence where the making available of the information would be likely to prejudice the supply of similar information, or information from the same source, and it is in the public interest that such information should continue to be supplied.

The audit process used specialised data mining and analytics for the purpose of seeking to verify Police staff were accessing third-party provided data in appropriate ways. From the information Police does hold from the audit process, we have provided a response to your further questions as below.

Alternatively, if the Police are not willing to release the dataset, please provide:

2. *The number of historic / retrospective ANPR searches conducted per year audited.*

The following table displays the number of times a vehicle has been queried using either the 'Find A Vehicle' function in the Auror platform or the 'Quick Search' function in the SaferCities platform which are captured as historic queries from data obtained during the audit process. Please note the following:

1. These data reflect individual queries, including searching the same vehicle multiple times, by multiple users.
2. November 2022 is excluded as a partial month at the time of data extraction.
3. These data include a user entering multiple plates within a single 'Quick Search'.
4. The record date is either the 'start' of the search or, where such is missing, the 'Date' of the record.

Number of historic vehicle queries				
Month	2019	2020	2021	2022
January		1,924	5,115	11,930
February		1,878	5,799	13,756
March		2,502	7,108	15,338
April		2,366	7,064	14,737
May		3,538	9,047	18,955
June		2,649	9,259	22,941
July		3,300	11,115	24,699
August		3,836	10,864	27,651
September		5,010	11,135	25,487
October	89	4,208	9,754	13,756
November	996	4,360	11,202	
December	1,549	4,194	11,271	

3. *The number of Live / Active Detection Capability ANPR alerts conducted per year audited*

The table on the following page displays the number of times a vehicle has been queried using either the Auror 'Track A Vehicle' function or the SaferCities 'Plate of Interest' function which are active detection queries, from data obtained during the audit process. Please note the following:

1. These data reflect individual active detection queries, including searching the same vehicle multiple times, by multiple users.
2. Once again November 2022 is excluded as a partial month at the time of data extraction.

Number of active detection vehicle queries				
Month	2019	2020	2021	2022
January	13	32	192	272
February	2	34	148	171
March	6	47	192	175
April	14	62	228	141
May	14	64	256	185
June	6	56	323	233
July	6	94	293	251
August	11	65	286	234
September	10	68	238	216
October	12	93	207	205
November	29	86	235	
December	29	98	296	

4. *The number of ANPR queries conducted under a tracking warrant, categorised by query type (live or retrospective) and year.*

The use of the active detection capability requires a warrant with the exceptions of a risk to life or safety, or urgent or emergency circumstances as provided for in section 48 of the Search and Surveillance Act 2012. Reliance on section 48 requires that a report is made to a judge regarding the circumstances of its use in the month after the active detection (see section 60 of the Act). The circumstances leading to the requirement to use active detection are thus recorded in the warrant, or in the report to a judge, not the platform.

It follows that the number of queries conducted under a tracking warrant has not been captured during the audit process, and as the information is not held your request is refused under section 18(g) of the OIA. Rather, cross-referencing was conducted for the purpose of the audit to confirm the use of the active detection function was appropriate.

5. *The number of ANPR queries conducted under a production order or general warrant, categorised by query type (live or retrospective) and year.*

Police has not used production orders to obtain ANPR information. As noted above, a warrant is only required for active detection queries. The number of active detections recorded in the data is provided in response to question 3.

6. *The number of ANPR queries conducted under the Privacy Act (Such as the supposed IPP11 authority cited in the Police manual chapter), categorised by query type (live or retrospective) and year.*

The Privacy Act 2020 governs ANPR queries. The collection principles 1-4 in s 22 apply to requests made by Police, and principle 11 applies to the platform provider, in the collection and disclosure of third-party data provided by ANPR platforms to meet law enforcement functions.

The number of ANPR queries has been provided above, in response to parts 2 and 3 of your request.

7. *The number of ANPR queries conducted under any other Authority, categorised by query type (live or retrospective), authorising enactment or circumstance (Health Act for example), and year.*

As advised above, the Search and Surveillance Act 2012 authorises the use of the active detection capability in specific circumstances. In addition, as previously advised (refer IR-01-23-10510), Police has also cited Section 71A of the Health Act 1956 as a basis for authorising use of the active detection capability.

In addition, as also advised above, the Privacy Act 2020 governs ANPR queries.

We have not identified any other authorities under which police have requested ANPR information from holders.

8. *The number of ANPR queries conducted where an officer did not enter information related to the circumstances of the request in the applications before conducting the searches (for instance, as would be required to satisfy IPP 11 of the Privacy Act which the Police manual chapter suggests as an authority). Categorised by query type (live or retrospective), authority (warrant, Privacy Act, etc), and year.*

There are no data pertaining to when queries were made when information related to the circumstances was not entered. This information therefore does not exist, and your request is refused under section 18(e).

To understand further why there are no data, there are mandatory fields to be completed when conducting a query to satisfy the requirements for a third party provider that the request is reasonable and necessary.

In closing, I trust you find this response informative. However, if you are not satisfied with this response, you have the right to ask the Ombudsman to review Police's handling of your request. Information about how to do so is available at: www.ombudsman.parliament.nz or freephone 0800 802 602.

Sincerely



Carla Gilmore
Manager: New Technology Assurance
New Zealand Police