

4 October 2024

Amanda Murtagh  
fyi-request-27076-92879bfc@requests.fyi.org.nz

Tēnā koe Amanda

***Request for information***

On 6 August 2023 and 30 May 2024, you made Official Information Act 1982 (OIA) requests, in which you requested:

*6 August 2023: Please provide written statement(s) as to the labelling of the caller (your reference P043834754) as 1M (Mental Health) and RRRR - Regular Caller.*

*30 May 2024: Please provide dates and times between 1 June 2020 and 30 May 2024 where the recording of phone calls to the Police Communications Centre via 111 and 105 were not operational and the audio recordings from phone calls could not be captured.*

On 30 August 2023 and 1 July 2024, Police responded to your requests. You subsequently asked the Office of the Ombudsman to review Police's response to your request, expressing dissatisfaction with Police's response. Police received communication from their investigator on 15 August 2024. The Ombudsman advised of two complaints namely:

*Complaint 1:* Police did not adequately respond to your first request of 17 December 2020, on the basis that Inspector Smalley told you that there was nothing to provide you, when your later Privacy Act request of 24 May 2023 showed that there was information that could have been provided to you.

*Complaint 2:* in the list of outages provided to you on 1 July 2024 in response to your request of 30 May 2024, there was no outage listed on 17 September 2020, which contradicts what Police informed you on 21 June 2023, and again on 30 August 2023, that an outage meant that there were no audio recordings available for this time

In view of the receipt of the latter communication, Police has reviewed its responses to your request and while Police do not accept their response was incorrect, has agreed to provide further clarification to you regarding its response.

### *Complaint 1*

Police note that this response has already been provided to you as part of discovery for the Human Rights Review Tribunal proceedings you have commenced and is contained in the statement of evidence of Daniel Weir.

On 14 October 2020 you made a request for information about, amongst other things: "Reasons for decisions made about myself for the following phone calls/events: Phone calls to 111 at 12.05pm and approx. 1.30pm on the 17th September. Phone calls to 111 27th September at 7.40pm, 7.43pm, 7.53pm, 8.07pm, 8.24pm, 9.23pm, from cellphone number 021 634418".

In response to your 14 October 2020 request, Police looked for records of the calls you mentioned. On 15 October 2020 Police responded providing calls from 27 September and 28 September 2020. Police were unable to find any calls to 111 on 17 September 2020 from the number given by you. Inspector Smalley responded to you on 21 December 2020 advising you, "Nothing on the 17th September, Ms Murtagh you have received all that we have been asked for."

On 9 March 2023, you requested amongst other things all call chronologies and transcripts for 111 calls made prior to 24 September 2020. Again, Police initially did not locate any calls on 17 September 2020. In this case it seems the call was made from a number you did not usually use and you were unable to provide the number to Police.

On 24 May 2023 Police advised you they were unable to locate any calls from the timeframe requested (17 September 2020) and said they would need the phone number you used at the time to do a more accurate search. You then replied with a request for "call number / reference P043706635. Police responded to this request on 21 June 2023 and provided you with an event chronology for P043706635, being the event chronology for the 111 call made on 17 September 2020.

As Police advised you on 2 February 2022, Police did not destroy evidence of calls you made or make any attempt to mislead or deceive you. Locating a recording of an emergency call can be very difficult depending on how much information the requestor gives. If the requestor knows the phone number they called from it is relatively straightforward. However, without a phone number or an event number, it becomes akin to a 'needle in a haystack' scenario. Limitations of the current CARD system mean that Police cannot locate calls based on the address a call was made from and whilst the date and time at which the call was made may narrow it down, other complicating factors include which call centre it was routed to.

A call may be unable to be located due to the search parameters provided by the requestee and/ or applied by the searcher, or due to a technical fault with the Redbox recorder. Redbox, while very reliable, does have the occasional unplanned outage during which 111 calls can be lost. This appears to have been the case in relation to your 111 call to police on 17 September 2020 for which no audio was recorded.

### *Complaint 2*

On 30 May 2024 you requested the dates and times between 1 June 2020 and 30 May 2024 where the recording of phone calls to the Police Communications Centre via 111 and 105 were not operational and the audio recordings from phone calls could not be captured (IR-01-24-19034).

Police responded to you on 1 July 2024 advising that audio recordings of 111 and 105 calls can fail unexpectedly on rare occasions, and Police is not necessarily aware that it has failed until there is a need to retrieve and review the recording. Police does not listen to every recording by default, therefore identifying the exact number of times that a 111 or 105 call did not record is not possible and would require reviewing millions of calls. The recording system also has scheduled or unscheduled outages that mean recordings are not captured in these time windows at some sites. Police then provided you with a table listing the call recording system scheduled and unscheduled outages.

You appear to have interpreted the above Police response as stating that the scheduled and unscheduled outages listed in the table are the only times 111 and 105 audio recordings have failed during the period requested. However, that is not accurate and as stated in the response, one would need to review all calls made within that time period to determine if the audio recording of a 111 or 105 call had failed (i.e., resulted in an outage) during that period. To be clear, outages can happen at an individual, local or national level. The table provided to you relates to the scheduled and unscheduled outages for the sites as listed.

The Ombudsman's investigator will be sent a copy of this letter.

Nāku noa, nā



Bronwyn Marshall  
Director (Relieving) Emergency Communications Centre  
New Zealand Police