



8 April 2016

Mr Anthony Jordan
Fyi-request-3665-0854016c@requests.fyi.org.nz

Dear Mr Jordan

I refer to your email of 23 February 2016 requesting:

1. *Please provide procedures pertaining to the handling of photographic evidence and documents pending any Court Hearing.*
2. *Are New Zealand Police specifically permitted to disclose Photographic Evidence and statements via Facebook where it is obvious in a community that evidence would be identifiable of those accused.*

In response to question 1, the following chapters from Police instructions are provided:

- 'Digital imaging guidelines' related to the taking, downloading, and securing of photographic images and Photographic evidence for Court; and
- 'Withholding information under the Criminal Disclosure Act 2008' (this Act provides the disclosure regime of relevant information between the prosecution and defence for the purpose of criminal proceedings). The table outlines the general situations in which relevant information (which could include "photographic evidence" and "documents"), to which a defendant would otherwise be entitled, may be withheld.

In response to question 2, New Zealand Police may disclose personal information on the social media site Facebook usually to seek public assistance and undertake investigations. Any Police use of social media must comply with the legal limitations regarding disclosure of information under the Official information Act 1982, the Privacy Act 1993, and the Criminal Disclosure Act 2008.

On occasions material can end up on Facebook and is found to have been uploaded by parties other than Police using information disclosed by Police in accordance with legislative requirements.

Safer Communities Together

NATIONAL CRIMINAL INVESTIGATIONS GROUP
180 Molesworth Street, P O Box 3017, Wellington, New Zealand
Telephone: 64-4-474 9499 Facsimile: 64-4-498 7409

You have the right, under section 28 (3) of the Official Information Act 1982, to ask the Ombudsman to review my decision if you are not satisfied with the way I have responded to your request.

Yours faithfully



Tim Anderson
Detective Superintendent
Acting National Manager: National Criminal Investigations Group

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