



> Disclosing personal and official information

Disclosing personal and official information

Publication Number:

Overview

Introduction

This chapter:

- provides guidance on voluntarily disclosing or responding to requests for official and personal information from individuals, government departments and other agencies and organisations
- explains the law you must consider before disclosing information
- details the Police procedures you must follow, including sample letters to help you respond to requests.

For information on disclosing information to the defence before trials, see the [Criminal disclosure](#) chapter in the Police Manual.

Legislation governing disclosure

Your decision whether to disclose information, what to disclose and when, may be governed by:

- [Privacy Act 1993](#)
- [Official Information Act 1982](#)
- [Criminal Records \(Clean Slate\) Act 2004](#)
- [Criminal Disclosure Act 2008](#), or
- other legislative provisions that require or allow disclosure.

Your responsibility to respond to disclosure requests

A response to a request for information is mandatory, even if no information is disclosed. Failure to respond at all, or failure to respond according to the legislative requirements, may:

- lead to a complaint being made to the Privacy Commissioner or the Office of the Ombudsmen
- result in proceedings being brought before the Human Rights Review Tribunal.

A finding that Police has interfered with an individual's privacy can result in substantial damages being awarded against Police.

Who to contact for further information or advice

If, after reading this chapter, you need further information or advice, contact the

Privacy Officer at:
Police Privacy Office
Police National Headquarters
Ph 04 470 7392 or ext 44392

Duty legal adviser at:
Police Privacy Office
Police National Headquarters
Ph 04 470 7055 or ext 44555



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Requests from individuals seeking information about themselves

Introduction

When receiving a request from individuals seeking information about themselves:

- consider the legislation governing your response and give reasonable assistance to the requester
- identify the requester
- action the request
- provide the information requested if there is no reason to withhold it
- even if there is reason to withhold it, respond to the request within the statutory timeframe.

Identifying the requester

Under section 45(a) of the Privacy Act you must satisfy yourself about the identity of the individual making the request.

Use one of the following forms of identification:

- driver licence
- passport
- community services card
- credit card
- other identification bearing the requester’s signature.

Photocopies are acceptable provided they have been endorsed as a true copy of the original by a:

- Police constable
- Justice of the Peace
- Solicitor
- Registrar or deputy registrar of a court
- Judge
- Other person authorised to take statutory declarations.

When to ask for identification and what to do with the documents

This table explains when identification documents are necessary and what to do with them.

If ...	Then ...
You know the requester personally	A form of identification is not necessary.
You do not know the requester	Ask to see an acceptable form of identification. Photocopy the identification documents and return them immediately to the person. Note the photocopies are true copies of the original and put them in a file.
The requester has posted original identification documents	Immediately photocopy them and post them back to the requester. Note the photocopies are true copies of the original and put them in a file.
The requester makes the request in person and provides original identification documents	Photocopy the documents and return them immediately to the person. Note the photocopies are true copies of the original and put them in a file.
The requester has posted a photocopy of identification documents	Put it on file. A photocopy is acceptable unless you have cause for suspicion e.g. signature that does not match.
The request is made through an agent	Ensure the agent has the requester’s written authority to act on their behalf (s45(c) Privacy Act). This must be attached to the request. Check that the authority identifies both the requester and the agent, and identification documents (originals or photocopies annotated as true copies) are produced for both. Put photocopies in a file.

How to action the request

Follow this procedure to action the request.

Step	Action						
1	Make a file for the request. If the request has been made orally, job sheet it.						
2	Enter it in doc-loc case in NIA.						
3	Code the file 2Z.						
4	Place photocopies of the requester’s identification documents in the file.						
5	Consider whether the information requested contains information about other identifiable individuals. If it does, decide whether disclosure would involve unwarranted disclosure of the affairs of another person.						
6	Consider the following:						
	<table border="1"> <thead> <tr> <th>If the information requested is...</th> <th>Then...</th> </tr> </thead> <tbody> <tr> <td>Not specific enough to enable the information to be identified</td> <td>Request clarification from the requester. (See <u>sample letter</u>).</td> </tr> <tr> <td>Held on NIA</td> <td>Forward the request to the district co-ordinator.</td> </tr> </tbody> </table>	If the information requested is...	Then...	Not specific enough to enable the information to be identified	Request clarification from the requester. (See <u>sample letter</u>).	Held on NIA	Forward the request to the district co-ordinator.
	If the information requested is...	Then...					
Not specific enough to enable the information to be identified	Request clarification from the requester. (See <u>sample letter</u>).						
Held on NIA	Forward the request to the district co-ordinator.						

In any other paper file	Forward it to the O/C case of that file. If the O/C case cannot be found, has left Police or is unable to deal with the request, forward it to their supervisor for action. Alternatively, contact the Privacy Officer, PNHQ for advice.
Classified	Urgently refer it to a legal adviser or to the Chief Legal Adviser, PNHQ. (Classified information must be declassified before it can be released.)
From a Police file currently held by a crown solicitor	Forward it to the O/C case of that file.
Held by, or more closely connected with the functions of, another agency	Transfer the request to that agency within 10 working days.

Transferring a request

When you transfer a request to another agency, you must:

- transfer it within 10 working days of receiving it, and
- advise the requester that you have done so (s 39 Privacy Act). Irrespective of how the request was made, advise the requester in writing.

See [sample transfer letters](#).

Criminal conviction histories

A request for a criminal conviction history should be transferred to the Privacy Officer, Ministry of Justice. See also [What is held on the Ministry of Justice system](#).

Delay in making decision about request

If you cannot communicate the decision about the request within 20 working days, [notify an extension](#) and send a brief acknowledgement letter to the requester indicating when the information or a decision will be available.

What to do if you decide to provide requested information

If, after considering the request for information, you decide to provide it, follow these steps.

Step	Action
1	Use sample letters as a guide for responding to a request for personal information when nothing is withheld or when some information is withheld . These letters cover the requirement to tell the requester that they are entitled to request correction of any information they consider is incorrect.
2	Provide the information in the manner specified by the requester. This may be by: <ul style="list-style-type: none"> • allowing the requester to inspect it • providing a copy of it • allowing the requester to hear or view audio or videotape recordings • supplying transcripts • providing an oral summary of the information. In general, release information from manual files in the form of a photocopy, and information from computer systems in the form of a print out.
3	Note: You cannot charge individuals when you provide information about themselves.
4	Keep a file copy of the information provided to the individual.
5	If you decide to withhold some information keep a copy of what was withheld, what was disclosed and copies of all correspondence exchanged.
6	Job sheet what you have done to respond to the request. This process becomes important if a subsequent complaint is made to the Privacy Commissioner about Police's response.

Requests for correction of information held

Follow these steps when a request for correction of information held is received.

Step	Action
1	Forward it to the person who dealt with the original information request.
2	If the information alleged to be incorrect is factual, e.g. date of birth, address or identity – verify the accuracy of the information and, if it is wrong, correct it and advise the person who requested the correction and any other person the incorrect information may have been provided to.
3	If the information alleged to be incorrect is not factual but a matter of opinion or an allegation, e.g. a complainant's allegation or a witness' assessment that an alleged offender appeared agitated – do not make the correction. Advise the requester that they are entitled to submit a statement of correction detailing the correction requested and containing any other information they wish to include.
4	If the requester supplies a statement of correction, attach it to the file so that it will always be read with the disputed information and advise the requester accordingly. Advise any other people or agencies that received the requester's information of the statement.



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Requests for information held on NIA or Police-related systems

Introduction

This section:

- explains the types of information held on the National Intelligence Application (NIA) and on Ministry of Justice and New Zealand Transport Agency systems, which Police access through NIA via the Fifth Schedule of the Privacy Act
- outlines who is responsible for responding to requests for that information.

What is held on NIA

Police are responsible for responding to requests for the following information held on NIA:

- identity information
- firearms licence details
- charge history
- overseas convictions
- document locator (doc-loc) records.

Doc-loc is the Police national file indexing system for incidents and offences reported to the Police. It is not a Police intelligence network. A person's name could be in the files index if they have reported a burglary or some other offence or incident. The brief file index reference does not confirm whether an offence has been committed or prove any person nominated as a suspect is guilty of an offence. The index does not hold court conviction details.

Responding to requests for NIA information

Refer to Access to and disclosure of information held by Police in the [Vetting, references and certificates](#) Police Manual chapter for further information about responding to requests for information from NIA.

Direct people with queries about information held in NIA to:

Liaison Officer
Licensing and Vetting Service Centre
P.O. Box 3017
Wellington
Phone: (04) 474 9499 ext 44013
Fax: (04) 499 1065

What is held on the Ministry of Justice system

The Ministry of Justice computer system holds the details of:

- criminal convictions in New Zealand courts
- custody supervision
- fines enforcement
- case monitoring data.

Queries about this type of information should be referred to the nearest District Court or to:

Privacy Officer
Ministry of Justice
P.O. Box 180
Wellington 6140
Phone: (04) 918 8800
Fax: (04) 918 8820

What is held on the New Zealand Transport Agency system

The New Zealand Transport Agency computer system holds the details of:

- driver licences
- motor vehicle registration
- demerit points
- traffic conviction histories.

Queries about this type of information should be referred to:

Driver Licensing
Transport Registry Centre
New Zealand Transport Agency
Private Bag 11777
Manawatu Mail Centre
Palmerston North 4442
Phone: 0800 108 809 (motor vehicle registrations) or 0800 822 422 (driver licensing)
Fax: (06) 350 2347



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Disclosure under the Official Information Act 1982

Introduction

This section explains:

- when the Official Information Act applies
- the provisions you must consider before responding to a request.

Official information defined

In summary, "official information" is any information held by a Department, a Minister of the Crown in their official capacity, or an organisation. It includes any information held outside New Zealand by any branch or post of a Department or organisation ([s2\(1\)](#) Official Information Act 1982).

When the Official Information Act applies

All requests made to a public sector agency for information that is **not** about the requester must be considered under the Official Information Act 1982.

The Act only applies in response to a request.

Principle of availability

Official information requested under the Official Information Act must be provided unless there is good reason for withholding it ([s5](#)).

The grounds for withholding information under the Act are set out in sections [6](#) to [9](#) and section [18](#).

Privacy interest

One of the purposes of the Official Information Act 1982 is to "protect official information to the extent consistent with the public interest and the preservation of personal privacy". Accordingly, one of the permitted reasons for withholding information is to protect privacy interests.

You may withhold information to protect the privacy of natural persons, unless, in the circumstances of the particular case, the withholding of that information is outweighed by other considerations which render it desirable, in the public interest, to make that information available ([s 9\(2\)\(a\)](#)).

For further information about balancing the privacy and public interest in making information available, see [When to withhold non-personal \(official\) or third party information](#) in this chapter.

Who can make a request

A request can be made by:

- a New Zealand citizen
- a person who is a resident or is in New Zealand
- a body corporate incorporated in New Zealand or having a place of business in New Zealand.

([s 12](#))

The form of the request

Requests can be made in writing or orally. You cannot require that the request be written, but can ask the requester to put their request in writing. (Ask them to complete a [Request for information held by Police](#)).

You have an obligation to provide assistance.

Information requested must be specified with due particularity. If you receive a vague request, go back to the requester and ask for it to be clarified ([s12](#)).

Making official information available

Official information may be made available by:

- allowing the person to inspect the original document
- providing the person with a copy of the document
- allowing the person to listen to an audio recording or watch a video recording
- providing a written transcript
- giving a summary of the contents
- telling the person about its contents.

If the requester asks for the information to be provided in a particular way, it must be provided in that way unless doing so would:

- impair efficient Police administration, or
- be contrary to a legal duty of the Police in respect of the document, or
- prejudice the interests protected by sections [6](#), [7](#) or [9](#) of the Official Information Act and, in the case of section 9, there is no countervailing public interest.

If you are unable to provide the information in the way requested, give the requester the reason and, if requested, the

grounds for that reason, unless doing so would prejudice the interests referred to above.
(s16)

Transferring official information requests

When the information requested is not held by Police but is believed by the person dealing with the request to be:

- held by another organisation, or
- more closely connected with the functions of another organisation...

...you must, not later than 10 working days after the day on which the request is received, transfer the request to the other organisation, and inform the requester of the transfer (s14).

Time limits and extensions (official information)

The request must be processed and a decision made on whether and how to grant it and the requester notified accordingly, as soon as reasonably practicable but not later than 20 working days from the day after the request is received (s15(1)).

When you can have an extension

If the decision whether to disclose official information cannot be made within the time limit (20 working days), that limit can be extended when:

- the request is for a large volume of material or necessitates searching through a large quantity of information, and meeting the time limit would unreasonably interfere with Police operations, or
- consultations on the decision are required and as a result a proper response cannot reasonably be made within the original time limit.

The extension period must be reasonable in the circumstances and be notified before the 20 working day limit expires. (s15A).

How to notify an extension

Notify the requester of:

- the period of the extension (a good rule of thumb is 20 working days, but contact the Privacy Office at PNHQ if this will not be adequate time)
 - reasons for it
 - their right under section 28(3) to complain to the Office of the Ombudsmen.
 - any other relevant information.
- (s 15A(4)).

For a standard letter notifying an extension see [Notification of extension](#).

Urgent requests

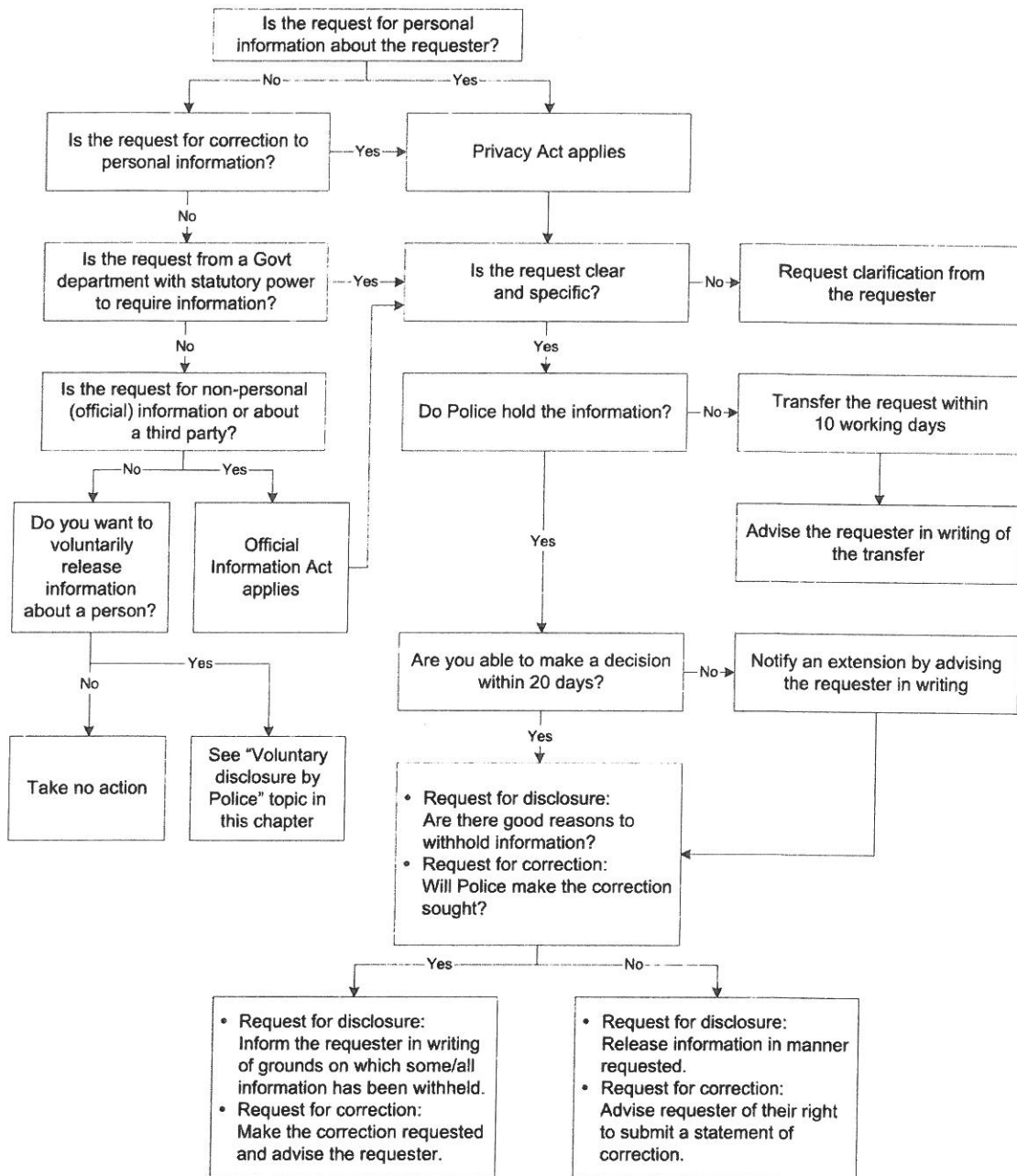
If the requester wants their official information request dealt with urgently, they must give reasons for the urgency (s12(3)). You should do your best to respond with urgency.

Statutory protection when releasing information in good faith

If information is released in good faith in response to a request under the Official Information Act, you have statutory protection against civil and criminal proceedings (s 48).

Decision-making flowchart

On receipt of a request:





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When to withhold non-personal (official) or third party information

Introduction

This section:

- covers the grounds for withholding official information or information about someone other than the requester
- explains what you tell the requester about your decision to withhold the information, and how you inform them of your decision.

Grounds for withholding information

The grounds for withholding official information or information about someone other than the requester are in sections 6, 9 and 18 of the Official Information Act, and are similar to the grounds under the Privacy Act 1993.

Main provisions relevant for Police

This table outlines the most relevant withholding provisions in the Official Information Act 1982 for Police.

Section	Refuse the request if disclosure would be likely to...
s6(c)	prejudice the maintenance of the law, including the prevention, investigation, and detection of offences, and the right to a fair trial
s6(d)	endanger the safety of any person.
	Refuse the request if it is necessary to...
s9(2)(a)	protect the privacy of natural persons, including that of deceased natural persons
s9(2)(ba)(i)	protect information that is subject to an obligation of confidence, if the release 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
s9(2)(f)(iv)	maintain constitutional conventions, which protect the confidentiality of advice tendered by Ministers of the Crown and officials
s9(2)(g)	maintain the effective conduct of public affairs through: <ul style="list-style-type: none"> • the free and frank expression of opinions by, between or to Ministers of the Crown, members of an organisation, or officers and employees of any Department or organisation in the course of their duty, or • the protection of Ministers of the Crown, members of organisations, officers and employees from improper pressure or harassment
s 9(2)(h)	maintain legal professional privilege.
Note: If you want to rely on any withholding grounds in section 9, you must consider the <u>public interest</u> in releasing the information.	

Other grounds

This table outlines other grounds for withholding information which may apply.

Section	A request can also be refused if...
s 18(c)	making the information available would constitute contempt of court
s 18(d)	the information requested is or will soon be publicly available
s 18(e)	the document alleged to contain the information requested does not exist or cannot be found You must first consider whether consulting the requester would assist them to make the request in a form that would remove the reason for the refusal (s18B).
s 18(f)	the information requested cannot be made available without substantial collation or research You must first consider whether: <ul style="list-style-type: none"> • fixing a charge or extending the response time would enable the request to be granted (you can treat 2 or more requests as one if they are about similar topics or were received simultaneously or in short succession (s 18A) • consulting the requester would assist them to make the request in a form that would remove the reason for the refusal (s18B).
s 18(h)	The request is frivolous or vexatious or that the information requested is trivial.

Privacy versus public interest (section 9(2))

When assessing whether to withhold a request under section 9(2) of the Act, you must consider whether the public interest in releasing the information is sufficient to outweigh the privacy interest associated with the information.

Considering the privacy interest

Consider:

- how intimate, personal or private the information is. For example, the privacy interest associated with an address is not as high as that associated with the details of a rape victim's medical examination
- whether or not the requester already knows the information. If the requester is seeking confirmation of something

they already know the privacy interest tends to be less

- whether the person the information is about, agrees to their information being released to the requester
- whether disclosure is consistent with Privacy Principle 11 in section 6 of the Privacy Act. If disclosure would be consistent with this principle, the privacy interest is likely to be less. The most important features of the principle are found in 11(e)(i), 11(e)(iv) and 11(f). These are discussed in Voluntary disclosure by Police. The privacy interest is also diminished if the source of the information is a publicly available document such as a newspaper (principle 11(b)).

If the privacy interest outweighs the public interest, decline the request under section 9(2)(a) of the Official Information Act 1982.

Considering the public interest

Public interest does not mean "what is of interest to the public". In *British Steel Corporation v Granada Television Ltd* [1981] 1 All ER 417, 455, Wilberforce LJ stated:

"There is a wide difference between what is interesting to the public and what is in the public interest to make known."

Consider whether disclosure will benefit only one individual or the whole community. For example, will it:

- help parents to keep their children safe
- help to make the roads safe to drive on
- ensure that New Zealand's horticulture industry is protected from disease?

If the public interest outweighs the privacy interest, release the information.

Third party requests

Take special care when making decisions on requests for personal information about a third party. Common requesters in this category are parents of adult children, family members, lawyers and reporters (see also Requests from media).

In general, do not disclose third party information unless:

- you are authorised or required by a specific statute to disclose it
- the third party has provided consent in writing, or
- the public interest in meeting the request is sufficient to outweigh the privacy interest associated with the information.

If none of these apply, decline the request under section 9(2)(a) of the Official Information Act 1982.

Classified information

Classified information cannot be withheld solely on the basis of its security classification or endorsement mark. Urgently refer classified information to a legal adviser or the Chief Legal Adviser, PNHQ. If the information is withheld, the reason given must be one of those specified in the Official Information Act.

If request relates to current investigation

During investigation phase and prior to any Court proceedings
Withhold under section 6(c) of the Official Information Act 1982.

From conclusion of investigation until end of trial

Obligations under the Criminal Disclosure Act 2008 begin with the commencement of proceedings and continue for as long as information related to the proceedings is held by Police. All requests for information that is covered by sections 12 and 13 of the CDA and that is "relevant" to the matter before the Court must be considered under the CDA.

After the trial Criminal Disclosure Act still applies

The Criminal Disclosure Act will still apply to requests for information that relate to the court proceedings. The grounds available for withholding information during court proceedings may still apply after the trial has concluded, such as withholding information to protect the privacy of witnesses and victims.

If a request is made prior to the commencement of proceedings or does not relate to criminal proceedings, the information sought is not covered by the CDA and the Privacy Act 1993 and the Official Information Act 1982 will apply.

Refer to the Criminal disclosure chapter in the Police Manual for detailed information about criminal disclosure and the key duties and responsibilities for Police employees.

Making requests for information that has been before a court

A request for information that has been before the court is subject to the Criminal Procedure (Access to Court Documents) Rules 2009. The requester must therefore make their request to the relevant court. If the request relates to Police information, Police will be consulted by the court prior to the release of the information.

Advising the requester when information is withheld

If any information sought is withheld, inform the requester in writing of:

- the fact that the information is being withheld
- the grounds on which the decision to withhold has been made
- their right to complain to the Office of the Ombudsmen if they are not satisfied with the decision.

See sample letters responding to a request for non-personal information when some or all information has been withheld, or when the request is for both personal and non-personal information.



New Zealand Police Intranet

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When to withhold information from individuals

Introduction

When you have identified what information has been requested, you must consider whether there are any reasons why the requester should not receive all the information requested.

This section covers:

- the grounds for withholding information
- what you tell the requester about your decision to withhold it
- how you inform them of your decision.

Grounds for withholding information

The primary reasons for withholding information about the individual requesting it are listed in sections 27 to 29 of the Privacy Act 1993.

Information can only be withheld from the requester if Police have good reasons to believe that a withholding ground applies. The withholding grounds relevant to Police follow.

Prejudicing the maintenance of the law

Do not disclose information that would be likely to prejudice the maintenance of the law, including the prevention, investigation, and detection of offences, and the right to a fair trial (s 27(1)(c)).

This withholding ground applies to most of the information Police hold, but particularly information that:

- is part of an ongoing investigation
- discloses how Police do certain aspects of its job
- identifies an informant, or
- is provided by a witness or complainant and that, if disclosed, would deter the witness from providing information to Police in future.

Endangering the safety of any person

Do not disclose information that would be likely to endanger the safety of any individual (s 27(1)(d)). "Would be likely" means there must be a distinct or significant possibility of the harm occurring.

The safety risk might relate to the individual concerned, staff members, families or other people. There must be evidence of a threat having been made against another person that Police believe could be carried out if the requester receives the information requested.

Disclosing the affairs of another person

Do not disclose information that would be likely to involve the unwarranted disclosure of the affairs of another individual or of a deceased individual (s 29(1)(a)).

The right of access is limited to personal information about the requester, but sometimes that information is inextricably linked with information about another person. When you have "mixed" information and cannot separate out the information about other people, you have to decide whether releasing the information would involve the unwarranted disclosure of the affairs of another person.

Consider the

- nature and sensitivity of the information
- nature of the relationship between the requester and the other person
- likely reaction of the other person to the disclosure
- other person's views about giving access.

Information is not readily retrievable, does not exist or cannot be found

If the information requested is not readily retrievable, does not exist or cannot be found, you may refuse the request (s 29(2)(a) & (b)). However, undertake a thorough search before refusing the request.

You must consider:

- what steps have been taken to locate the information
- whether the file has been traced
- whether checks have been made with all people who previously had the file
- whether the information is likely to have been destroyed
- whether Police ever held the information sought.

Also ask the requester if they can clarify their request or give more details. Sometimes people believe Police hold a file on them, but in reality there never was one.

Breaching a promise of confidentiality to person supplying information

Section [29\(1\)\(b\)](#) provides a withholding ground, but it is very difficult to satisfy and usually will not apply to any situation faced by Police except in employment matters.

Other grounds

You can also withhold information if:

- the request is for a legal opinion or legal advice ([s 29\(1\)\(f\)](#)).
- the information requested is not held by Police and you have no grounds for believing it is held by another agency or connected more closely with the functions or activities of another agency ([s 29\(2\)\(c\)](#)).

Classified or confidential information

Classified information cannot be withheld solely on the basis of its security classification or endorsement mark. Urgently refer classified information to a legal adviser or the Chief Legal Adviser, PNHQ.

The ability to withhold information that someone says is confidential is very limited. Stating that information was provided in confidence is not sufficient to enable it to be withheld on that basis.

A valid withholding ground for classified or confidential information is found in section [27\(1\)\(c\)](#).

If request relates to current investigation and trial

Obligations under the [Criminal Disclosure Act 2008](#) begin with the commencement of proceedings and continue for as long as information related to the proceedings is held by Police. All requests for information that is covered by sections [12](#) and [13](#) of the CDA and that is "relevant" to the matter before the Court must be considered under the CDA. (For further information, refer to the [Criminal disclosure](#) Police Manual chapter).

After the trial criminal disclosure Act still applies

The Criminal Disclosure Act will still apply to requests for information that relate to the court proceedings. The grounds available for withholding information during court proceedings may still apply after the trial has concluded, such as withholding information to protect the privacy of witnesses and victims.

If a request is made prior to the commencement of proceedings or does not relate to criminal proceedings, the information sought is not covered by the CDA and the Privacy Act 1993 and the Official Information Act 1982 will apply.

For further information, see the [Overview of disclosure under the Criminal Disclosure Act](#) in the Criminal disclosure Police Manual chapter.

What to tell the requester when information is withheld

If any information sought is withheld, inform the requester of:

- the fact that the information is being withheld
- the grounds on which the decision to withhold has been made
- their right to complain to the Privacy Commissioner if they are not satisfied with the decision.

Irrespective of how the request was made, inform the requester in writing.

Sample letters

Use sample letters as a guide for responding to a request for personal information when [nothing is withheld](#) or when [some information is withheld](#).



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Requests from media

Introduction

Every day, Police come under immense media pressure to release information about crimes, incidents and emergencies and the people involved in them.

This section provides guidance to help you release all appropriate personal information to the media and, at the same time, meet the requirements of the Privacy Act or the Official Information Act.

Information about Police activities

It is in the public interest to give the media access to information about Police activities if that information:

- will not prejudice an investigation or trial, and
- does not infringe against a person's rights under the Privacy Act.

Withholding information does not promote Police accountability or encourage fair and balanced reporting. In addition, the Police must frequently disclose personal information in order to obtain public assistance in supporting victims and solving crimes.

What you may release

You may release:

- names of people:
 - injured or killed in incidents, provided the next-of-kin have been informed
 - sought in land and marine search and rescue operations
- name of a victim of a crime provided:
 - the victim consents, or
 - where the victim is dead, cannot be found or is otherwise unable to give consent, the next-of-kin consents, or
 - in the opinion of the O/C case, disclosure is necessary to advance the investigation
- details of money or other property stolen in the course of armed robberies, burglaries and theft, if the victim consents
- photographs of wanted people provided a warrant for the arrest of the person exists or there is sufficient evidence available to arrest the person.
- descriptions of dangerous escaped prisoners, or those unlawfully at large.

Refer to the [Public notification of offender's details](#) chapter in the Police Manual for information about the circumstances in which Police may proactively release information about an offender's identity to individuals and/or communities other than in response to requests for information under the Official Information Act 1982.

Allowing media to witness and record Police activities

In certain circumstances you may permit film crews, photographers and journalists to witness and record Police activities. However, you must obtain approval from a supervisor holding the level of position of Superintendent or above and then seek approval from Media Services and Legal Section, PNHQ. Media Services and Legal Section will ensure a contract is provided in an approved form.

Requests for names of Police employees

A request for the name of a Police employee should be considered under the Official Information Act.

In general, the names of Police employees acting in the course of their duties have to be released. The employee should be informed before their name is disclosed to the media that the disclosure is intended and their views sought if necessary.

In exceptional cases, however, such as where disclosure is likely to cause hardship or reveal information about an employee's personal life and family, the employee's name may be withheld under section 9(2)(a) of the Official Information Act.

The requester can have the decision reviewed by an Ombudsman.

Further information

For further information on dealing with the media, see the Media Relations chapter (particularly the [Releasing information](#) topic) in the Police Manual.



> Disclosing personal and official information

Disclosing personal and official information

Publication Number:

Charging for providing official information

Right to charge for official information

Under section 15, requesters may be charged for information supplied, but in reality Police rarely imposes a charge. (Note that there is no right to charge for providing personal information unless a statute specifically provides for that).

If Police want to charge for supplying official information, any charge fixed:

- must be reasonable
- may have regard to the cost of the labour and materials involved in making the information available, and to any costs incurred due to a requester's request to make the information available urgently.

Calculating charges

The Charging Guidelines for Official Information Act 1982 Requests issued by the Ministry of Justice:

- provide a basis for assessing a reasonable charge for Official Information Act requests
- give an indication of factors which may be relevant when assessing whether it is reasonable to charge for the supply of information.

This table outlines key charges recommended in the guideline.

Item	Charge rate or policy
Staff time spent processing a request	The first hour is free. Additional time spent should be charged at a maximum of \$38 for each half hour or part thereof. Aggregate staff time can include searching for, abstracting and collating, copying and transcribing, retrieving information, but not time spent locating information that was mislaid or incorrectly filed. If the request is for access only, the time can include searching for, locating and retrieving the information and supervising the access.
Photocopying	Charge at the rate of 20 cents for each page after the first 20 pages. This applies only to standard A4 sized paper. Non-standard size should be charged at cost.
GST	Include GST in all charges. Do not impose GST as an extra charge.
Other charges including: <ul style="list-style-type: none"> • providing documents on CD • retrieving information off-site • reproducing photographs, films, videos and audio recordings • arranging to hear audio or view video recordings. 	Fix charges at an amount that recovers the actual costs involved.

What you cannot charge for

Charges cannot be fixed for time spent or expenses (including legal expenses) incurred deciding on whether or not or to what extent information can be made available. Charges relate only to the costs incurred in processing the request.

For example, time spent on the decision to delete withheld information is not chargeable but time spent on the physical editing is chargeable.

Informing the requester of charges

Inform the requester of:

- the method used to calculate the charge
- their right to have an Ombudsman review the proposed charge.

For an example of a letter recording how a charge has been calculated, see Letter explaining charges. Make sure you keep a copy of the letter so that you know how the charge was arrived at.

Waiving the fee

You can reduce or waive the charge in special circumstances. These may include:

- the inconvenience of imposing a charge
- the small amount by which the margins for aggregate time or photocopying are exceeded
- when the charge would cause financial hardship
- when the charge would impact badly on public relations.

Deposit

You can require a deposit if the charge is likely to exceed \$20 or you need an assurance that resources are not being wasted. In general, the deposit must be received before work on the request is begun. Any unused portion of a deposit



> Disclosing personal and official information

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Other common requests

Introduction

This section explains what you may disclose when you receive a request for:

- information about the nature of your enquiries to locate a person
- a copy of a traffic accident report
- diversion-related information.

Enquiries to locate a person

When making enquiries to locate someone (for any reason), the only information you can disclose is the fact that you are looking for the person. You cannot disclose information about the nature of the enquiry.

Case law

In a case heard by the Complaints Review Tribunal (*Mitchell v Police*), an officer was seeking to serve a notice on a person disqualified indefinitely from driving. He made enquiries at the address of the offender's parents. In response to an enquiry by the offender's mother, the officer advised that the purpose of his enquiry was to serve a notice under section 30A of the Transport Act 1962 disqualifying the offender indefinitely from driving.

The tribunal concluded that the disclosure constituted a breach of Privacy Principle 11. However the tribunal also concluded that this disclosure did not constitute an interference with the plaintiff's privacy because she could not demonstrate sufficient "harm" as required by the Privacy Act.

Traffic accident reports

A traffic accident report is defined in section 211 Land Transport Act 1998 as "... a written report prepared by an enforcement officer who is a Police employee that relates to an investigation of a traffic accident".

Any person is entitled to seek a copy of a traffic accident report. However, as with any other material, the reports may be withheld or edited as the Privacy Act and Official Information Act allow.

Fees for traffic accident reports

A fee of \$55 is charged for the supply of the report to insurance companies. Police do not charge individuals for a copy of the report if they were involved in the traffic crash.

Diversion-related requests

Do not disclose diversion details to third parties, even with the consent of the person concerned. Disclosing such information would undermine the incentive for people to participate in diversion programmes. Such requests should, in general, be refused under sections 6(c) and 9(2)(a) of the Official Information Act.

If a person seeks diversion information about themselves, process the request under the Privacy Act 1993 and provide the information unless there are good reasons not to.