

Responses

In respect of question one; Police obtain information from a range of companies, including Telecommunication Providers (cellular and ISP's) and banks, when investigating crimes. Some of that information will include customer specific information.

Police have formal agreements with two telecommunication providers and all the major New Zealand banks. Where no formal agreement exists, Police follow the principles of the Privacy Act and the legal requirements of the Search & Surveillance Act.

Police use Production Orders under the Search and Surveillance Act to access information from companies. I have attached a copy of our Police manual in respect of Production Orders. Police employees are advised that all requests for information must comply with the provisions of the Privacy Act exemptions, or be sought under a Court issued Production Order.

I have identified four documents which are being withheld because they are sensitive. Therefore that part of your request is refused pursuant to s6(c) Official Information Act as the making available of the information 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.

Those documents are:

- Agreement between Vodafone New Zealand Limited and the NZ Police
- Agreement between Telecom New Zealand Limited and the NZ Police
- Letter of Agreement between the New Zealand Bankers Association and NZ Police
- Electronic interception Police Manual chapter.

In respect of question two, police do not collect data on what companies do or do not provide information in response to police requests. Therefore your request to provide a list of such companies is refused pursuant to Section 18(e) of the Official Information Act because the information does not exist.

In respect of your third question I have attached a copy of the generic information request form used for requests pursuant to the Privacy Act. This form also accompanies any request involving a Production Order.

If you are not satisfied with the response to your request, you have the right to refer the matter to the Office of the Ombudsmen.

Yours sincerely



P Berry
Acting National Crime Manager