

22 July 2019

Emailed to: fyi-request-10606-7c971baf@requests.fyi.org.nz

Kia ora Jo

Official information request – dealings with New Zealand Police

Thank you for the following request for information we received on 26 June 2019:

I have had a number of dealings with the New Zealand Police over the course of this year. Sadly, these dealings have given me zero confidence in the Police and their ability to adhere to the basic principles of the Privacy Act 1993. Particular issues include woeful attempts by Police to prepare statements and notes of interview with a defendant for initial disclosure as well as a number of instances where Police Officers are (totally outside their functions) providing incorrect advice to agencies and individuals about their Privacy Rights.

Under the OIA I would like to know how many complaints have been made to your office about the actions of New Zealand Police, how many times it has been determined that the New Zealand Police have interfered with the Privacy of an individual and I would also like copies of general correspondence from your office to the New Zealand Police raising any concerns your office holds about the privacy practices of NZ Police. To make it clear, the last of the three requests made above should relate to correspondence initiated by your office (if any), not correspondence related to specific complaints that your office is or has been dealing with.

With regards to the three requests above, I would like this information for the period Jan 2014 - Present. However, if your agency is able to assist with specific dates, I am more interested in the specific period that Michael Flahive has been in the role of Privacy Officer with NZ Police. As he was a former employee of your office, you might be able to assist in narrowing the scope of this request.

In response to the first part of your request I can advise that the number of complaints investigated by our office about the actions of New Zealand Police for each reporting year (from 1 June to 31 May) for the relevant period is as follows: 2013/2014 – 66; 2014/2015 – 107; 2015/2016 – 114; 2016/2017 – 108; and 2017/2018 – 79.


The second part of your request is refused under 18 (f) of the Official Information Act 1993 due to the substantial amount of work that would be required to research and collate the information you have requested. Our system does not record whether there has been a determination of an interference with privacy under our Act. Further, it is not necessary for a determination to be made in respect of every complaint as to whether there has been an

interference with privacy, including matters that are settled. Accordingly, to obtain the information would require hundreds of investigation files to be manually searched to determine whether in that particular case there had been a determination (preliminary or final) that there had been an interference with privacy. The amount of time this would take a staff member would necessarily negatively impact on our other operations (including, in particular, our efficient processing of complaint matters). We do not consider that either charging or extending the timeframe for responding would help in these circumstances as neither of these would practically avoid the undue impact of having a staff member of our small (and very busy) organisation being diverted from conducting OPC's ordinary business.

The third part of your request is refused under s 18 (g) as there is no such information held by this Office and I have no grounds for believing that the information is held by or connected more closely with another department, Minister of the Crown or organisation.

You have the right to ask the Ombudsman to review this decision.

Yours sincerely

A handwritten signature in black ink, appearing to be 'John Edwards', written in a cursive style.

John Edwards
Privacy Commissioner