

19 January 2021

David Carlos
fyi-request-14241-f8cc4063@requests.fyi.org.nz

Dear David

Request for information

IR-01-20-36832

Thank you for your request dated 3 December 2020 asking for information about convictions and information sharing. Your request has been considered in accordance with the Official Information Act 1982. My response to your questions can be found below.

- 1. If a person is charged with any offence and is found guilty and if he gets a DISCHARGE WITHOUT CONVICTION S106, will his information/details about incident be still held in Police database/records/courts?*

Yes, all information relating to offences and incidents reported to Police is held in the Police National Intelligence Application (NIA). This includes information relating to the investigation activities of Police into such matters. In addition, this will include charge information and conviction outcomes for those matters that progress to prosecution. I note that conviction outcome information is owned by the Ministry of Justice, who shares this information with Police

You can request information that Police hold about you under the Privacy Act, details of which can be found here: <https://www.police.govt.nz/advice-services/request-information/request-information-about-yourself-privacy-act>

- 2. And will that information/other details can be released to other agency like MBIE/Immigration without consent of the person involved?*

Many pieces of legislation encompass and empower other agencies to seek information from Police which could result in the release of any information that Police hold without consent. Oranga Tamariki, Teachers Council and the New Zealand Security Intelligence Service are examples of agencies with the legislative power to request information from other agencies for specific purposes.

Additionally, Police may share information where necessary in order to assist another state sector agency in fulfilling its legislative responsibilities.

Police National Headquarters

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When considering whether to release personal information to another agency, Police is guided by legislative frameworks (such as the Privacy Act 2020) and the overarching principle of an individual's right to privacy, which must be balanced against the risks that non-disclosure might present.

If you are not satisfied with my response to your request, you have the right to ask the Office of the Ombudsman to seek an investigation and review of my decision.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Zane Kearns', with a long horizontal flourish extending to the right.

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