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Carol Rene

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### Official Information Act Request

Dear Carol

Thank you for email dated 7 December 2021 in which you requested information about the Police use of Polling data.

You requested:

*If a Police officer refers to the act of 'polling' the smartphone of an individual, using the word 'poll', is it likely that they are referring to some process by which police can find the physical location of that smartphone? If so, I request copies of internal Police policy on this process. If not, I request other acts that this term could refer to.*

'Polling' is a term used in the Telecommunications industry and subsequently adopted by law enforcement. The term 'polling' refers to the action of identifying the point at which a telecommunication enters the telecommunication network (most often a cell phone tower). Police will at times request information from Telecommunications Companies that reveals which cell phone tower a specific mobile cellular device has connected to.

This action of polling does not identify the actual physical location of the phone. However, it does indicate the location of the cell phone tower that a particular mobile phone was connected to at a given date and time.

Any polling requests made by Police to Telecommunications Companies must be lawful, reasonable and proportionate. The Search and Surveillance Act 2012, Privacy Act 2020 and the Telecommunication Information Privacy Code 2020 all govern when and how Police may request this information from the Telecommunications Companies.

New Zealand Police has an internal document known as the Telecommunication Investigations Manual. This document contains a chapter entitled "Acronyms and Terminology." Within this chapter, there is a definition of the term 'polling,' which is relevant to your request. I have copied that extract below, as follows:

*Polling - Live information recording connection between a device and a cell site. Polling information is not stored – live interception only. Polling information is created when there*

*is call, text or internet activity on the device. Polling information may also be created periodically or when the device moves from one location to another. (Page 8, New Zealand Police Telecommunication Investigations Manual).*

Additionally, this same manual contains a further reference to polling which is relevant to your request. The chapter entitled “Comms Centre Polling Request” contains the following extract:

*Comms Centre Polling request - this is sent to the Network Operations Centre (NOC) of the three telcos. It relates to a single polling request. A query is done on the Home Location Register (HLR) which is a record of only the last tower a phone polled off. The HLR is what assists the telco to route calls. There are no historic records and it is constantly overwritten with only the latest value. It is not possible to continually ‘track’ from this system as it requires constant manual queries. The NOCs are not set up to provide ongoing tracking information. (Page 22, NZ Police Telecommunication Investigations Manual).*

Furthermore, you may be interested in viewing the Code of Practice issued by the Privacy Commissioner under section 32 of the Privacy Act 2020, which specifically relates to the Telecommunications industry and is relevant to your request. Information relating to this Code can be found on the Privacy Commissioners Website. <https://privacy.org.nz/privacy-act-2020/codes-of-practice/tipc2020>

I trust this information satisfies your request.

Yours sincerely,



David Lankshear  
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New Zealand Police National Headquarters