

Account takeover policy

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This document sets out the guidelines and usage policy for both the permanent and temporary account takeover forms used to support investigations across New Zealand.

Introduction

The ability for Police to consensually 'take over' online internet profiles of witnesses, victims and suspects has been in use since 2012 and remains a valuable tool to support online investigations. s.6(c) OIA

[REDACTED]

[REDACTED]

[REDACTED]

When to use

Staff may seek consent from witnesses, victims and suspects in a range of scenarios, and the consent forms are not offence specific.

s.6(c) OIA
[Redacted]
[Redacted]
[Redacted] s.6(c) OIA [Redacted] s.6(c) OIA [Redacted]
[Redacted]

s.6(c) OIA [Redacted]
[Redacted] (c) OIA [Redacted]
[Redacted]
[Redacted]

s.6(c) OIA [Redacted]

s.6(c) OIA [Redacted]
[Redacted]
[Redacted]

When not to use

Case law and the warrant preference rule re-affirms that the account takeover forms **should not** be used for the purpose of collecting evidential material located on suspects' devices, when a search warrant, production order, or warrantless power can be utilised.

s.6(c) OIA

Where staff knowingly use the form in an improper manner, it may trigger an investigation under the Police [Code of Conduct](#) and be dealt with accordingly.

Consent

This process is one that is undertaken by way of **consent**.

[Redacted]

[Redacted]

Recording

[REDACTED]

[REDACTED]

[REDACTED]

Account Takeover and CHIS

[REDACTED]

Consent of Children and Young Persons

There will be circumstances where consent is sought from children and young persons. s.6(c) OIA [REDACTED]
[REDACTED] Where the consenting person is unable to provide consent (due to their age), staff should complete the form in conjunction with their parent or guardian. Extra details should be recorded when completing the form, and must be included in accompanying formal written statements. This should include:

- The age of the person whom Police is seeking the consent of to assume their online identities
- Details of the consenting person's parent or guardian, who is providing consent on behalf of the child or young person. This should include:
 - The person's name, the relationship to the consenting person, and contact details
 - Written confirmation that police explained the full nature of the consent sought, and that the parent or guardian understood what was being asked and provided consent.

s.6(c) OIA [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Privacy Principle 4 of the Privacy Act 2020 requires that Police only collect information by lawful means and by means that in the circumstances of the case (particularly where personal information is being collected from children or young persons) is fair and does not intrude to an unreasonable extent. Staff must ensure their actions are reasonable, necessary, and proportionate. There will be situations where obtaining consent to assume an online identity of a child or young person is appropriate, however it must be considered carefully. If staff are in doubt, advice should be sought from supervisors or the Covert Online Team.

Disclosure

The **account takeover document is disclosable**, however may be redacted in line with provisions, where applicable under the Criminal Disclosure Act 2008, the Official Information Act 1982 or the Privacy Act 2020, where it is linked to **s.6(c) OIA** [REDACTED], and to protect victim, witness, suspect safety and privacy.
