

13 December 2023

Mr Morris

[fyi-request-24877-fd0e53a5@requests.fyi.org.nz](mailto:fyi-request-24877-fd0e53a5@requests.fyi.org.nz)

Dear Mr Morris

Thank you for your Official Information Act 1982 (OIA) request received 26 November 2023, in which you asked:

*Is it acceptable/legal for police to record you while you are in the back of police car without your consent while waiting at the police station to be processed for drink driving.*

There is a difference between questions which can be answered by providing information already known to and held by an agency (official information) and questions which require an agency to form an opinion or provide an explanation and so create new information to answer the request (not official information).

An agency is not obliged to form an opinion or create information to answer an official information request. Your request is therefore declined as it does not constitute a request for official information. If you require more information on the issue you have raised it would be appropriate for you to seek advice from an experienced legal practitioner, such as Community Law.

If you are not satisfied with the way I have responded to your request, you have the right to seek an investigation and review by the Ombudsman. Information about how to make a complaint is available at [www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz) or freephone 0800 802 602.

Yours sincerely



**Superintendent Steve Greally**

Director: Road Policing

**Police National Headquarters**

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