

7 November 2024

Isla Clarkson
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Ref: OIA 116805

Tēnā koe Isla

Official Information Act request: Harmful Digital Communications Act 2015

Thank you for your request of 3 October 2024 to Netsafe, requesting information about the Harmful Digital Communications Act 2015 (the HDC Act), under the Official Information Act 1982 (the Act). On 10 October 2024, your request was transferred to the Ministry of Justice (the Ministry) under section 14 of the Act. You requested the following, which has been numbered, for ease of reference:

1. *The number of successful prosecutions under section 22 of the Harmful Digital Communications Act 2015 (HDCA) as of [October 3] 2024*
2. *The number of orders that have been granted under section 19 of the HDCA.*

In your request you asked the response to be prioritised if possible, due to a timeframe you were working toward. On 25 October 2024, the Ministry advised we were unable to meet your timeframe and referred you to relevant publicly available information while a response was prepared to your request.

In response to part 1 of your request, the data requested forms part of what are known as Tier 1 statistics which are key official statistics by which New Zealand's performance as a country is measured. Tier 1 statistics are publicly released every year at scheduled times (information for the previous calendar year is released in March; information for the previous financial year is released in September). There are principles and protocols that govern their production and release.

The Ministry is therefore able to provide data in response to this part of your request to 30 June 2024. Please refer to Table 1, attached, which provides the number of finalised charges for offences under section 22 of the HDC Act, by outcome, for the 2015/16 – 2023/24 financial years.

In response to part 2 of your request, please refer to Table 2, attached, which provides the number of orders granted under section 19 of the HDC Act, from 21 November 2016 when civil remedies under the HDC Act came into force, to 30 September 2024.

If you require any further information, please contact Media & Social Media Manager Joe Locke at media@justice.govt.nz

Please note that this response, with your personal details removed, may be published on the Ministry website at: [Official Information Act responses | New Zealand Ministry of Justice](#)

If you are not satisfied with this response, you have the right to make a complaint to the Ombudsman under section 28(3) of the Act. The Office of the Ombudsman may be contacted by email to info@ombudsman.parliament.nz or by phone on 0800 802 602.

Nāku noa, nā

Jacquelyn Shannon

Group Manager, Courts and Tribunals, Regional Service Delivery

Table 1: Number of finalised charges for offences under section 22 of the Harmful Digital Communications Act 2015, by outcome, for the 2015/16 – 2023/24 financial years

Charge outcome	*2015/16	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24
Convicted	12	53	72	72	76	107	96	70	61
Other proved	3	6	9	15	13	12	24	5	15
Not proved	3	25	25	33	35	50	38	37	37
Other	0	1	0	0	7	0	0	2	3
Total	18	85	106	120	131	169	158	114	116

Notes for table 1:

- This data counts charges with outcomes filed under section 22 of the Harmful Digital Communications Act 2015: ‘Causing Harm By Posting Digital Communication’.
- Data is based on the final charge outcome date.
- The provisions of section 22 of the Harmful Digital Communications Act 2015 came into force on 3 July 2015.
- *2015/2016 is a partial year covering data from 3 July 2015 to 30 June 2016.
- Charge outcomes show the final outcome of a prosecution and include:
 - whether a person is convicted or not
 - proved outcomes (where a person is found to be, (or pleads, guilty) including convicted and other proved (Youth Court proved (section 283 order), discharge without conviction and adult diversion/Youth Court discharge, not proven but not criminally responsible on account of insanity)
 - not proved outcomes include the person being found not guilty and where the charge is withdrawn or dismissed
 - other charge outcomes including being found not guilty by reason of insanity, unfit to stand trial, or stay of proceedings ordered.
- This data is based on Tier 1 statistics, which are the key official statistics by which New Zealand’s performance as a country is measured. Tier 1 statistics are published twice a year in March and September. More information about Tier 1 statistics is available from www.data.govt.nz/use-data/showcase/official-statistics/.

Table 2: Number of orders granted under section 19 of the Harmful Digital Communications Act 2015, from 21 November 2016 – 30 September 2024

	2016/17*	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25*
Number of order applications granted	2	5	8	8	26	19	20	28	11

Notes for table 2:

- This data counts Harmful Digital Communications Order applications under section 19 of Harmful Digital Communications Act 2015.
- Granted applications are counted by their final outcomes dates. Applications with other outcomes are not counted.
- The civil provisions of the Harmful Digital Communications Act 2015 came into force on 21 November 2016.
- *2016/17 and 2024/25 are partial years covering data from 21 November 2016 to 30 June 2017 and 1 July 2024 to 30 September 2024 respectively.
- This data was extracted on 24/10/2024 from a live system that is subject to change.