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From: [ROBERTS, Amanda](#)
To: [s.9\(2\)\(a\) OIA](#)
Cc: [BAIRD, Katherine](#); [Sarah Adams-Linton](#); [PULLEN, Trevor](#)
Subject: RE: ANPR: follow-up question about notification
Date: Friday, 21 September 2012 15:07:00
Attachments: [image001.png](#)
[image002.png](#)
[Letter to OPC re ANPR.pdf](#)

Hi [s.9\(2\)\(a\) OIA](#)

Please find attached my response to your queries below.

I note that Police is currently preparing a response to an Official Information Act request about ANPR and your email below falls within the scope of the request. Do you have any concerns about it being disclosed? Police also intends to provide our response. The requester is [s.9\(2\)\(a\) OIA](#)

Kind regards

Amanda

From: [s.9\(2\)\(a\) OIA](#)
Sent: Thursday, 30 August 2012 11:47
To: ROBERTS, Amanda
Cc: BAIRD, Katherine; Sarah Adams-Linton; PULLEN, Trevor
Subject: ANPR: follow-up question about notification

Hi Amanda,

I hope I have your email address correct – I thought I had it somewhere but I couldn't find it.

I was talking to our Assistant Commissioner this morning about our discussion yesterday, and she made the point that it was important that any use of ANPR, even as part of a trial, was lawful. If not, the trial should not have been undertaken and certainly should not be continued, and therefore we had a duty to inquire as to whether it was indeed lawful.

We've done a quick scan of our Act on the basis of yesterday's discussion and it would seem the main issues that are not resolved in our minds are compliance with Principle 3, dealing with notification, and Principle 9, dealing with destruction.

What is your legal reasoning for not notifying motorists under Principle 3?

As you know, we are firmly of the view that a number plate is personal information in this context.

Given the way data is being used as part of the trial, it looks like it should be plausible to argue that for vehicles that are not vehicles of interest, that the information will not be used in a form in which the individual concerned is identified (principle 11(4)(f)(i)). This exception deals, I think, with the issue you raised yesterday, that if a number plate is never linked to an individual, it's hard to argue that a person's privacy has been interfered with. I would note that should expectations about the availability of that data for other purposes change, the availability of this exception would also change.

We wonder, however, what grounds under Principle 3 you have used to determine whether collection is lawful for vehicles that *are* vehicles of interest. We can see that full compliance with all the sub-paras of principle 3(1) would probably not be “reasonable in the circumstances”, but it appears there may be some obvious things that should or could have been done. For instance Trevor yesterday noted that in the UK, ANPR vans indicate they are in fact ANPR vans. It would also seem possible to place a sign out indicating that ANPR was being undertaken. But you may not consider these ‘reasonable’ given the full range of circumstances, and it would be useful to have an explanation of your reasoning.

I can see that it might be tempting to argue that a police officer could sit in their patrol car and take number plates down and ‘call them in’ as we discussed yesterday. I think the difference with regard to principle 3 in these circumstances is that a Police officer in that situation could be undertaking many activities, and it would not be ‘reasonable’ to expect each of those activities to be notified in detail.

It may also be that you are relying on powers that exist in another statute that override the requirements of Principle 3 that we may have overlooked.

Principle 9 creates a positive obligation to destroy information where there is no lawful purpose for its retention

There is also a question in my mind about compliance with Principle 9, requiring that an agency should not keep information for longer than is required for the purposes for which the information may be lawfully used. The current design of the trial does not envisage a purpose for the information retained by the ANPR van. In these circumstances Principle 9 creates a positive obligation to destroy that information. Could you clarify your thinking on the legal basis for its retention?



I look forward to your response to these questions.

Kind regards,

s.9(2)(a) OIA

s.9(2)(a) OIA

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From: [ROBERTS, Amanda](#)
To: [s.9\(2\)\(a\) OIA](#)
Cc: [BAIRD, Katherine](#); ["Sarah Adams-Linton"](#); [PULLEN, Trevor](#)
Subject: RE: ANPR: follow-up question about notification
Date: Friday, 21 September 2012 15:17:00
Attachments: [SKMBT_C28001209211506011.pdf](#)
[image001.png](#)
[image002.png](#)

Hi again,

Apologies, I forgot to attach media releases referred to in my letter. Attached now.

Amanda

From: ROBERTS, Amanda
Sent: Friday, 21 September 2012 15:08
To: 'Simon Rae'
Cc: BAIRD, Katherine; Sarah Adams-Linton; PULLEN, Trevor
Subject: RE: ANPR: follow-up question about notification

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Cc: BAIRD, Katherine; Sarah Adams-Linton; PULLEN, Trevor
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From: PULLEN, Trevor
Sent: Monday, 5 August 2013 11:00
To: MCDONALD, Dana
Cc: [REDACTED]
Subject: RE: ANPR camera

Hi Dana

The ANPR project that I sit across is in relation to ANPR being fitted to police vehicles of which there are only 5 in the country (2 x vans in Waitemata and Counties, 1 x patrol car in Waikato and Canterbury and 1 patrol car managed from PNHQ (RP Support)). This vehicle is used by Districts who ordinarily do not have access to ANPR (its currently in Southland).

Whilst I have knowledge of the Nautech installed ones, I have no oversight and essentially it sits outside my brief.

But, the issue around privacy and related data gathering information has been well canvassed by police and the privacy commission and we have agreed protocols re use. A PEM paper has been

prepared and is currently going through due process. Current policy can be found at:

http://intranet/nzp/instructions/manuals/pms/road/Pages/Automatic_Number_Plate_Recognition.aspx

Staff with all the best intentions must be mindful of our current protocols especially around data retention and use. I would exercise caution when comes to police accessing data that could in fact be interpreted as being held on our behalf. I suspect this issue is going to increase given the advances in technology and accessibility by private individuals of ANPR related/based technology. You are right in that in my view police need to maintain a distance.

I am aware of enquires from Districts regarding ANPR solutions and some have been made directly with Nautech who supply police ANPR. Currently as part of the re-investment programme RPS is gaining approval to purchase ANPR for each district and the CVIU so that every district will have access to an ANPR equipped vehicle.

s.9(2)(h) OIA

[REDACTED]

Thanks

TP

Inspector Trevor Pullen

National Advisor: Standards and Training | Road Policing Support | New Zealand Police

s.9(2)(a) OIA

E xxxxxx.xxxxxx@xxxxxx.xxxx.xx

Police National Headquarters, 180 Molesworth Street, PO Box 3017, Wellington, 6140, New Zealand

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From: MCDONALD, Dana
Sent: Sunday, 4 August 2013 00:29
To: PULLEN, Trevor
Subject: FW: ANPR camera

Hi Trevor

Just wondering if you could assist here. The e-mail thread below explains.

I have spoken with Jim Searle a couple times in relation to this - as the ANPR cameras that the Nautech owner has put up in Auckland are the same as what he has installed in Tairua.

I am just concerned that the front-line staff in Tairua are developing too close of a relationship here and I'd like to get your opinion on this.

Please ring if that is easier - s.9(2)(a) OIA.

Regards

Dana

Dana McDonald

Inspector | Area Commander | Western Waikato

75 Roche Street | PO Box 65 | Te Awamutu 3840 | New Zealand

s.9(2)(a) OIA [REDACTED] | ✉ dana.mcdonald@police.govt.nz



Prevention First

*Please Note - I check e-mails twice a day only. If your message is urgent, contact me on my mobile.

From: MCDONALD, Dana
Sent: Wednesday, 31 July 2013 15:38
To: SEARLE, James (Jim)
Cc: HENRIKSON, Karen
Subject: FW: ANPR camera

Hi Jim

Just wondering if you can have a read of the e-mail below - in relation to the ANPR camera in Tairua. I have some concerns here.

I just found out yesterday that one of the Constables (Constable s.9(2)(a) OIA [REDACTED]) in Tairua can access the camera from his personal computer. I am mindful of our conversation we had in relation to keeping a significant distance.

My concern is this:

- we have a Constable accessing Nautech's database from his own personal computer and then taking action on that information
- that Community Patrols are looking at taking over a function that will see them accessing data from the Nautech database and then providing that information to Police

Can I get your views on this please. Feel free to ring if it's easier. 021 1902 813

Thanks again

Dana

From: SHIELDS, Graham
Sent: Wednesday, 31 July 2013 10:57
To: MCDONALD, Dana
Subject: FW: ANPR camera

Information from s.9(2)(a) OIA

The ANPR technology is the same as the stuff in the ANPR car that highway has. Only this one is on a lamp post.

I am checking with Kevin Anderson to see how they control the data.

Presently the cameras at Tairua and Pauanui have been installed as a trial. A lady from the CP group is trying to organise the funding. Part of that process is proving that the cameras will actually be of use. Proving their worth is where s.9(2)(a) OIA comes in, he is working with the CP group to prove that the cameras will be worth while for the community, hence his hand on involvement.

The ANPR process is automatic, so if a stolen car comes through then that will trigger it. A second use has been the ability to check the hard drive, looking for the reg # of offenders who have driven past the camera. The identification of the car used by s.9(2)(a) OIA came from being able to immediately check back on the cars that had just come through the Tairua camera. Also this week there was a petrol drive off in Tairua and the cameras were able to provide the car registration.

We have had that ability on CCTV cameras for many years. I can recall doing it on numerous occasions when I worked in Hamilton. The council CCTV cameras recorded stuff that we wanted to access almost every day.

The ANPR technology software belongs to Nautech.

During the trial period, a copy of the software has been downloaded on to s.9(2)(a) OIA personal laptop which is password protected.

If the system becomes permanent, the cameras will belong to the CP group and the intention is to have them hold that software rather than a police member, but during the trial that part has not been organised.

Right now s.9(2)(a) OIA can do searches on any Nautech camera. In reality there are only two in East Tamaki and the two we have here.

s.9(2)(a) OIA does not know if any Police members in East Tamaki have access.

If there is an activation on a stolen vehicle on any of the two cameras at Pauanui or Tairua;

1. Nautech automatically sends a text to Sgt Thompson and Constables Jellyman, Sell and Goodman.
2. Nautech automatically sends an email to their work email addresses, that email has the photo of the car as an attachment. They can view that from their mobility device.

They can't search historic data on the hard drive from their mobility device. s.9(2)(a) OIA uses the nautech software to do that. At present s.9(2)(a) OIA has that on his personal laptop and can do it from anywhere where there is an internet connection. Also Nautech have it, but the intention is to have that held by the owners of the camera.

So the process I described to you on the phone yesterday was not quite correct. s.9(2)(a) OIA was able to double check the stolen car alert by checking the picture that was emailed to his mobility device, rather than use his laptop.

This was the first false alarm that the camera has brought up, and the double check function was successful in detecting the mistake.