

1 April 2026

Chris Johnston

fyi-request-32972-80ce5205@requests.fyi.org.nz

Dear Chris

Request for information

Thank you for your Official Information Act 1982 (OIA) request received on 26 February in which you asked about oral fluid testing. I have answered each part of your request below:

- *Is the testing device, once given to the recipient, required to be returned to the officer if the result is negative, and visually confirmed as negative by the officer?*

Yes. The drug screening device must be returned to the officer who will view and confirm the result, and if it is negative will inform the driver. All drug screening devices (whether positive or negative) are disposed of by Police as secure biohazard waste as soon as reasonably practicable (in any case by the end of the shift). These devices are not stored, retained, or returned to the driver after testing.

- *What occurs with a testing device if the result is negative? Eg it is put in a secure disposal receptacle?*

Once used, the drug screening device must be disposed of by Police as biohazard waste, in accordance with the Land Transport (Oral Fluid Samples) Regulations 2025.

- *Is there any information recorded about the person being tested and the test result - particularly if the result is negative - on any media (e.g. paper, database, video)?*

Police do record location, date and time specific to the drug screening test and may take vehicle registration details as part of the drug screening process. However, if the drug screening test is negative, no personal information is retained or stored.

Police will record personal information where a person doesn't adhere to the law and an offence is committed, or if the driver has been involved in a motor vehicle accident.

Any personal information obtained by Police is subject to statutory requirements, in particular the Privacy Act 2020. This means the way Police generate, store, and share personal information is governed by those requirements.

In relation to roadside drug testing please note:

Police National Headquarters

180 Molesworth Street. PO Box 3017, Wellington 6140, New Zealand.
Telephone: 04 474 9499. Fax: 04 498 7400. www.police.govt.nz

- If the roadside drug screening test is negative, the device containing the saliva sample is disposed of and no personal information or sample is retained. Police do however record the time of the test, location, and that the result was negative.
- If the roadside drug screening test is positive, all usual standard policing requirements and documentation apply, and personal information about the driver will be obtained and stored in the police database. The saliva sample is collected and sent to an accredited laboratory for confirmatory testing.
- If the laboratory test is negative, then any personal information stored regarding the process remains subject to statutory requirements as outlined above.

Any information that is required to be recorded is done so following the appropriate process and using the correct documentation which may be paper-based or digital which (only if required) is stored in our database.

- *Can the test device be kept by the person being tested if the result is negative?*

No. I refer you to my earlier response above.

- *Who owns the DNA sample on the test device? Does the ownership depend upon any scenarios?*

Police do not take saliva for DNA analysis. The saliva sample taken is either disposed of with the drug screening device, or the saliva sample is collected for laboratory analysis of the specified qualifying drugs in the Land Transport Act 1998.

As previously stated, all devices are disposed of in accordance with Police processes. Saliva samples collected for laboratory analysis are sent to the New Zealand Institute for Public Health and Forensic Science (PHF Science) for drug detection purposes only, or, in the case of elective samples, held on behalf of the driver for potential private analysis. All saliva samples are retained by PHF Science for six months, after which they are destroyed. This includes elective samples where the driver has not requested release for private analysis within that timeframe.

- *Is the DNA or biological sample used for any other purpose, and how is compliance with the operational intent monitored/audited?*

No. The samples are tested solely for the presence of qualifying drugs as noted above. The laboratory analysis is limited to reporting the drugs detected in the driver's saliva from the sample collected at the roadside.

- *In the scenario of a negative result, is there any operational barrier to the person requesting the testing device with their biological sample be returned to them for safe keeping?*

I refer you to my earlier responses above. The device or sample cannot be kept for safe keeping.

- *For a negative result, given there is no arrest or detention, how can the public be assured that their biological sample is not misused or retained by the NZ Police for purposes other than this roadside test. Eg put into a DNA database.*

New Zealand Police adhere to the handling, retention, and disposal requirements specified by the manufacturer and supplier as well as the Land Transport regulations governing the procedures for managing saliva (oral fluid) samples. These regulations outline the processes for handling, retention, and disposal, and can be accessed via the linked documentation [here](#).

- *Please provide any operational or policy documents that officers rely on that covers the above.*

Police do not hold any operational or policy documents that specifically relate to the disposal of information where a drug screening (oral fluid) test result is negative. This part of your request is therefore refused pursuant to section 18(e) of the OIA as the document alleged to contain the information requested does not exist or, despite reasonable efforts to locate it, cannot be found.

As noted above, Police follow the relevant information handling, retention, and disposal requirements that apply across all Police information. Information relating to Police's Information Security requirements is also publicly available on our website: <https://www.police.govt.nz/about-us/publication/information-security-overview-police-manual-chapter>.

If you are not satisfied with the way I have responded to your request, you have the right under section 28(3) of the OIA to ask the Ombudsman to review my decisions. Information on how to do this is available online at www.ombudsman.parliament.nz.

Yours sincerely



Superintendent Steve Greally
Director: Road Policing
New Zealand Police