

19 May 2026

Nigel Gray  
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Dear Nigel

I refer to your Official Information Act 1982 (OIA) request of 4 May 2026 in which you asked for information regarding biometric data in relation to Oral Fluid Testing. I have addressed each part of your request in turn below.

*1. Statutory Authority to Collect Biometric Data Please provide all documents, legal advice, internal guidance, or policy material that:*

*1.1. Identify the statutory authority under which Police collect biological material (oral fluid) that constitutes biometric information under the Privacy Act 2020, the Biometrics Code, or any internal Police definition.*

*1.2. Clarify whether the Land Transport Act 1998, the Land Transport (Drug Driving) Amendment Act 2025, or any other enactment provides explicit authority for Police to collect, store, process, or derive biometric identifiers from oral-fluid samples.*

*1.3. Confirm whether Police consider oral-fluid samples to be biometric information, genetic material, or biological identity data, and provide the internal definitions used.*

*2. DNA, Genetic Markers, and Secondary Analysis Please provide:*

*2.1. Any documents, contracts, technical specifications, or laboratory instructions that describe whether oral-fluid samples are tested solely for drug presence, or whether any DNA, genetic markers, or other biometric identifiers are extracted, processed, or retained.*

*2.2. Any policies or assurances that prohibit secondary analysis beyond drug detection.*

*2.3. Any internal or external audits verifying that no biometric or genetic data is extracted.*

Roadside drug screening tests are legislated under Land Transport (Oral Fluid Samples) Regulations 2025, and are used solely to detect the presence of certain drugs, not to collect DNA or any other form of biometrics. The Quantisal collection device is used to collect saliva for laboratory analysis. This device is only used if the drug screening test

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returns a positive result. This part of your request is refused under section 18(e) of the OIA as the document(s) alleged to contain the information requested does not exist.

*3. Retention, Destruction, and Chain-of-Custody Please provide:*

*3.1. The retention schedule, destruction policy, or chain-of-custody procedures for oral-fluid samples.*

*3.2. Any documents describing whether samples are destroyed immediately, after analysis, or retained for any period.*

I refer to my response to you in IR-01-26-15657 which explains that Police dispose handle, retain, transfer, or dispose of an oral fluid sample obtained as per the Land Transport (Oral Fluid Samples) Regulations 2025.

For information regarding chain of custody procedures, I refer you to the *Impaired Driving* chapter for which is publicly available and can be found here:

<https://www.police.govt.nz/aboutus/publication/impaired-driving-police-manual-chapter>

*3.3. Any policies governing whether samples may be used for training, quality assurance, method validation, or future analysis.*

I refer to my response to you in IR-01-26-15657 which explains that saliva samples are only used to test for the presence of the listed qualifying drugs that are included in the legislation for drug driving. PHF Science may retain and use Oral Fluid Samples and associated drug testing data, in compliance with applicable laws for the purposes of scientific research, quality assurance, and method development. This part of your request is refused under section 18(e) of the OIA as the document(s) alleged to contain the information requested does not exist.

*4. Privacy Act, Biometrics Code, and PIA Compliance Please provide:*

*4.1. Any Privacy Impact Assessments (PIAs) conducted for the oral-fluid roadside testing regime.*

*4.2. Any documents assessing compliance with:*

*the Privacy Act 2020,*

*the Biometrics Code,*

*the Search and Surveillance Act 2012,*

*the New Zealand Bill of Rights Act 1990, particularly s21 (unreasonable search) and s22 (liberty of the person).*

*4.3. Any internal or external legal advice on whether the collection of oral-fluid samples constitutes a search of the person under NZBORA or the Search & Surveillance Act.*

I refer you to my response to part 1 of your request.

*5. Device Manufacturer Requirements and Data Handling Please provide:*

*5.1. Any technical documentation from device manufacturers describing:*

*what biological data is collected,*

*what data is processed,*

*what data is stored,*

*what data is transmitted,*

*and whether any biometric identifiers are accessible to Police or third parties.*

*5.2. Any contractual or procurement documents specifying data handling, data minimisation, or biometric restrictions.*

As the device collects saliva to detect certain drugs, and not to collect biological data, this part of your request is refused under section 18(e) of the OIA as the document(s) alleged to contain the information requested does not exist.

*6. Training, Internal Guidance, and Operational Instructions Please provide:*

*6.1. All training material, operational guidance, or internal instructions provided to officers regarding:*

*the legal basis for collecting oral-fluid samples*

*the handling of biological material*

*privacy obligations,*

*destruction requirements, Regulation*

*and restrictions on biometric or genetic analysis.*

Please find included with my response the OFT Training Lesson Plan and the Oral Fluid Testing Training Slides. These documents outline the training content provided to Police officers who are authorised to conduct roadside oral fluid testing (OFT), including procedures, legislative context, and operational guidance relating to the detection of drugs. However, there is no training material provided regarding restrictions on biometric or genetic analysis as neither are conducted during oral fluid testing.

In regard to material concerning privacy obligations, please see the following information which has been included with this request:

- Policy Risk Assessment – Oral Fluid Testing (refer to Principle 6: Privacy) for new technology
- OFT Cover Paper for the above
- Privacy Impact Assessment

Where screening tests are negative, no personal details are collected.

If the first screening test is positive, then a name, address, date of birth, and any other details needed to identify the driver. This information is used to issue an infringement notice if the laboratory test returns a positive result. Once personal information is obtained by Police it is subject to statutory requirements, in particular the Privacy Act 2020. This means that the way Police generate, store and share your personal information is subject to those requirements

I trust this information is satisfactory in answering your request. If you are not satisfied with the way your request has been responded to, you have the right under section 28(3) of the OIA to ask the Ombudsman to review our decisions. Information on how to do this is available online at [www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz).

Yours sincerely



**Superintendent Steve Greally**

Director: Road Policing

New Zealand Police