

27 October 2022

Mason Helm  
[fyi-request-20598-f6cd5956@requests.fyi.org.nz](mailto:fyi-request-20598-f6cd5956@requests.fyi.org.nz)

Dear Mason

### ***Request for Information***

Thank you for your Official Information Act 1982 (OIA) request dated 22 September 2022, in which you asked for information regarding Police's use of Automatic Number Plate Recognition (ANPR) and its regulations.

My response to each of these questions can be found below.

*In relation to page 10 of the ANPR Police manual, available here:*

*<https://www.police.govt.nz/sites/default/files/publications/automatic-number-plate-recognition-210922.pdf>.*

1. *When were the regulations surrounding "approved use of Third Party ANPR for active detection capabilities" put in place?*

If by "regulations", you mean the *guidance* issued to Police staff in the form of the Police Manual, as can be seen from the footer, the Police Manual section headed "Approved use of third party ANPR for active detection capability" was put into place on 21 September 2022.

Guidance on the use of the active detection capability of third party ANPR systems have developed over time. Practical guidance on the use of the tracking platforms was developed as each of the capabilities have been introduced to Police. The recently revised and published version of the ANPR Police Manual section brings these documents and capabilities held in different parts of Police's information holdings, into one place as well as further developing and clarifying the use of active detection.

If by "regulations", you mean the *legislation/rules* that surround the use of active detection capabilities, as indicated within the ANPR section of the Police Manual, other *rules* (external to Police) that apply to the use of ANPR include:

- The Privacy Act 2020 (and before that, the Privacy Act 1993) which contains Information Privacy Principles that have exceptions permitting certain activities in situations such as where necessary to:
  - a. prevent or lessen a serious threat to the life or health of a person or to the public health or public safety; and
  - b. avoid prejudice to the maintenance of the law.
- The Search and Surveillance Act 2012, for example if ANPR is to be used as a "tracking device" (see sections 3, 46, and 48). Information on the law before the Search and Surveillance Act is publicly available on the Law Commission's website (see information below about a particular report).

#### **Police National Headquarters**

180 Molesworth Street. PO Box 3017, Wellington 6140, New Zealand.  
Telephone: 04 474 9499. 04 498 7400. [www.police.govt.nz](http://www.police.govt.nz)

2. *When did the Police first acknowledge the need for a tracking warrant and when did the first communications, reports, or any information identify such?*

As the Manual explains, the Search and Surveillance Act 2012 provisions with regard to use of tracking devices are relevant. Police are required to comply with the law, there is no need to acknowledge it as such.

Prior to the Search and Surveillance Act, the Law Commission report R97 *Search and Surveillance Powers*, 29 June 2007 (which can be viewed on the New Zealand Law Commission's website) contains a useful summary of previously applicable law – see for example pages 25, and paragraphs 11.22 to 11.24. As there has been no acknowledgement, there are no communications, reports, or information relating to it and your request is refused under section 18(e) of the OIA.

You have the right to ask the Ombudsman to review my decision if you are not satisfied with the response to your request. Information about how to make a complaint is available at: [www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz).

Yours sincerely



Carla Gilmore  
Manager Emergent Technology