

Hon Ginny Andersen

MP for Hutt South

Minister for the Digital Economy and Communications

Minister of Police

Minister for Seniors

Minister for Small Business

Associate Minister for Treaty of Waitangi Negotiations



596973

Scott Miller

fyi-request-20876-b8094506@requests.fyi.org.nz

Dear Scott

I am following up on the response to your Official Information Act (OIA) request which was released to you on 13 January 2023. You sought review of this response with the Office of the Ombudsman. After discussion with the Ombudsman, we have given further consideration to your request.

Your original request was for:

Copies of all aides-memoire, memoranda, briefings, and reports held by the minister in his role as Minister for Police on the topics of the joint IPCA/OP [OPC] investigation into Police photographing members of the public; Police's internal review of matters raised by the investigation; and Police's responses to the investigation and the review

You received a response on 12 January 2023. One briefing paper was released, with some information withheld under section 9(2)(a) of the OIA. A second briefing paper was withheld in full pursuant to section 9(2)(f)(iv) of the OIA.

In the complaint to the Ombudsman, you complained about the decision to withhold information under section 9(2)(f)(iv) of the OIA. Following inquiries from the Office of the Ombudsman, I made a new decision on your request, releasing the briefing paper with redactions under sections 9(2)(g)(i) and 9(2)(h) of the OIA.

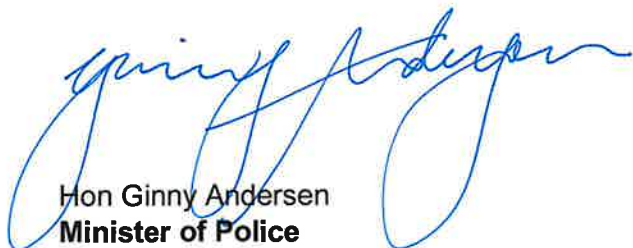
You have now complained that my decision to withhold information under sections 9(2)(g)(i) and 9(2)(h) of the OIA was not justified.

Please now find enclosed a revised version of the briefing #103CH *Next Steps for the Police response to the OPC and IPCA Report*, which now releases information to you that was previously withheld under s 9(2)(g)(i) of the OIA at paragraphs 2, 4 (first sentence), and 24. I maintain my earlier decision, to continue to withhold some information under s9(2)(h) and s9(2)(g)(i) of the OIA.

You have the right to seek an investigation and review by the Ombudsman of this decision.

Information about how to make a complaint is available at www.ombudsman.parliament.nz
or freephone 0800 802 602.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Ginny Andersen', written in a cursive style.

Hon Ginny Andersen
Minister of Police

INFORMATION REQUEST	
Next steps for the Police response to the OPC/IPCA report	
Deadline: 18 October 2022	Date of Response: 18 October 2022

Purpose

1. The purpose of this paper is to provide an update on the response to issues arising from the *Joint inquiry by the Independent Police Conduct Authority and the Privacy Commissioner into Police conduct when photographing members of the public* (the OPC and IPCA report).
2. This paper outlines Police's next steps for providing further advice about whether legislative change may be necessary.

Executive Summary

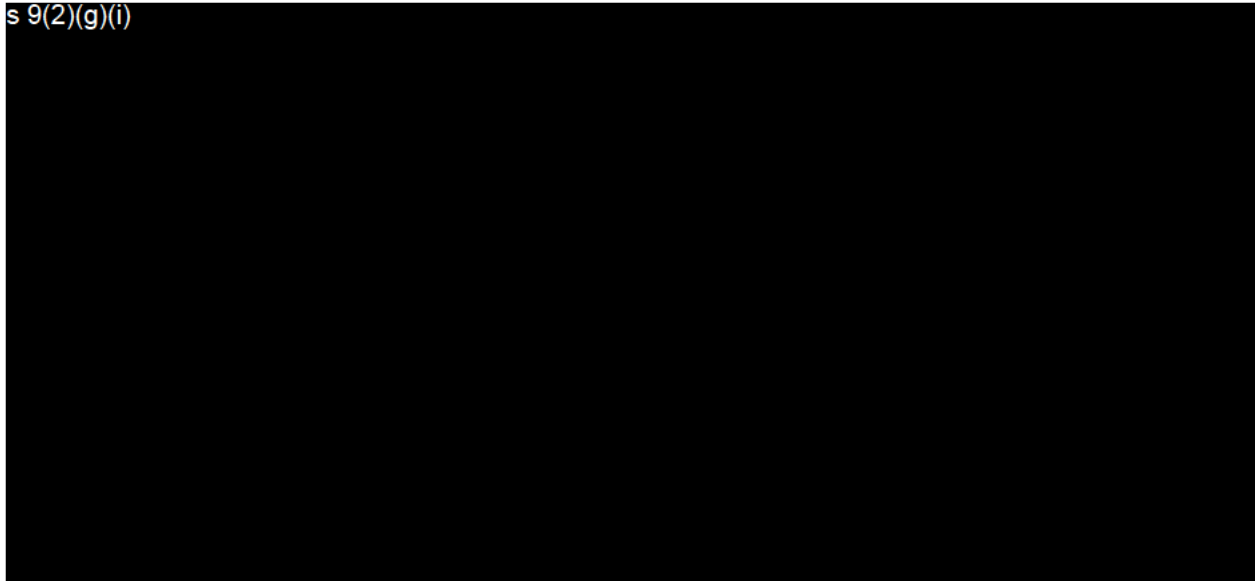
3. At this stage, based on preliminary analysis, Police broadly accepts most of the recommendations from the OPC and IPCA report. ^{s 9(2)(h)}
[Redacted]
4. Police is working to determine whether legislative change is required. ^{section 9(2)(g)(i)}
[Redacted]
5. ^{s 9(2)(g)(i)}
[Redacted]
Police has developed a comprehensive programme of work to address the broader issues around data collection, use and retention that were identified in the OPC and IPCA report.
6. Police is aiming to have preliminary advice to you by mid-December.

Recommendations


Police recommends that you:

- a) ^{s 9(2)(h)}
[Redacted]
- b) ^{s 9(2)(h)}
[Redacted]
- c) **note** Police has begun a programme of work to address the broader issues identified in the OPC and IPCA report
- d) **note** that Police will provide you with further advice by mid-December.


s 9(2)(g)(i)



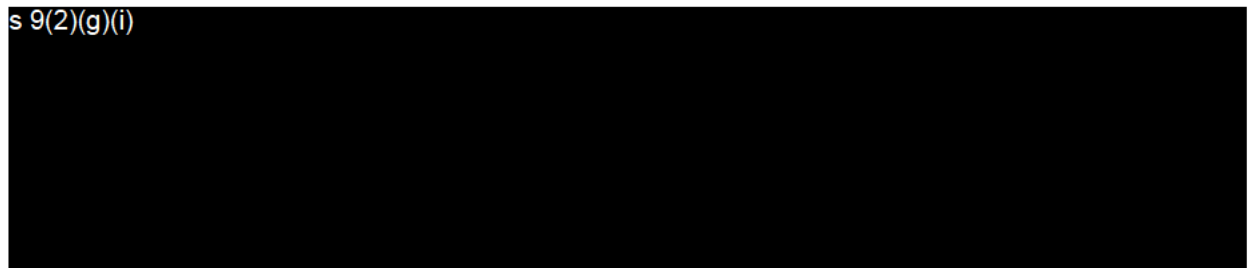
9. s 9(2)(h)



10. s 9(2)(g)(i)

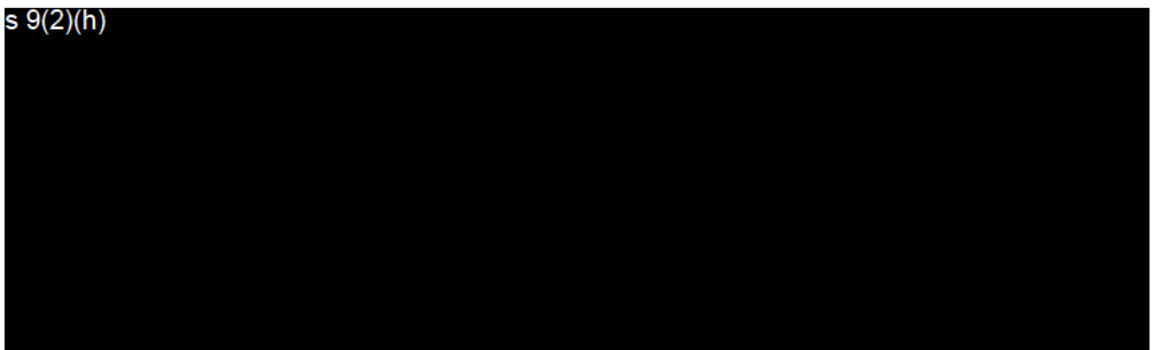


s 9(2)(g)(i)

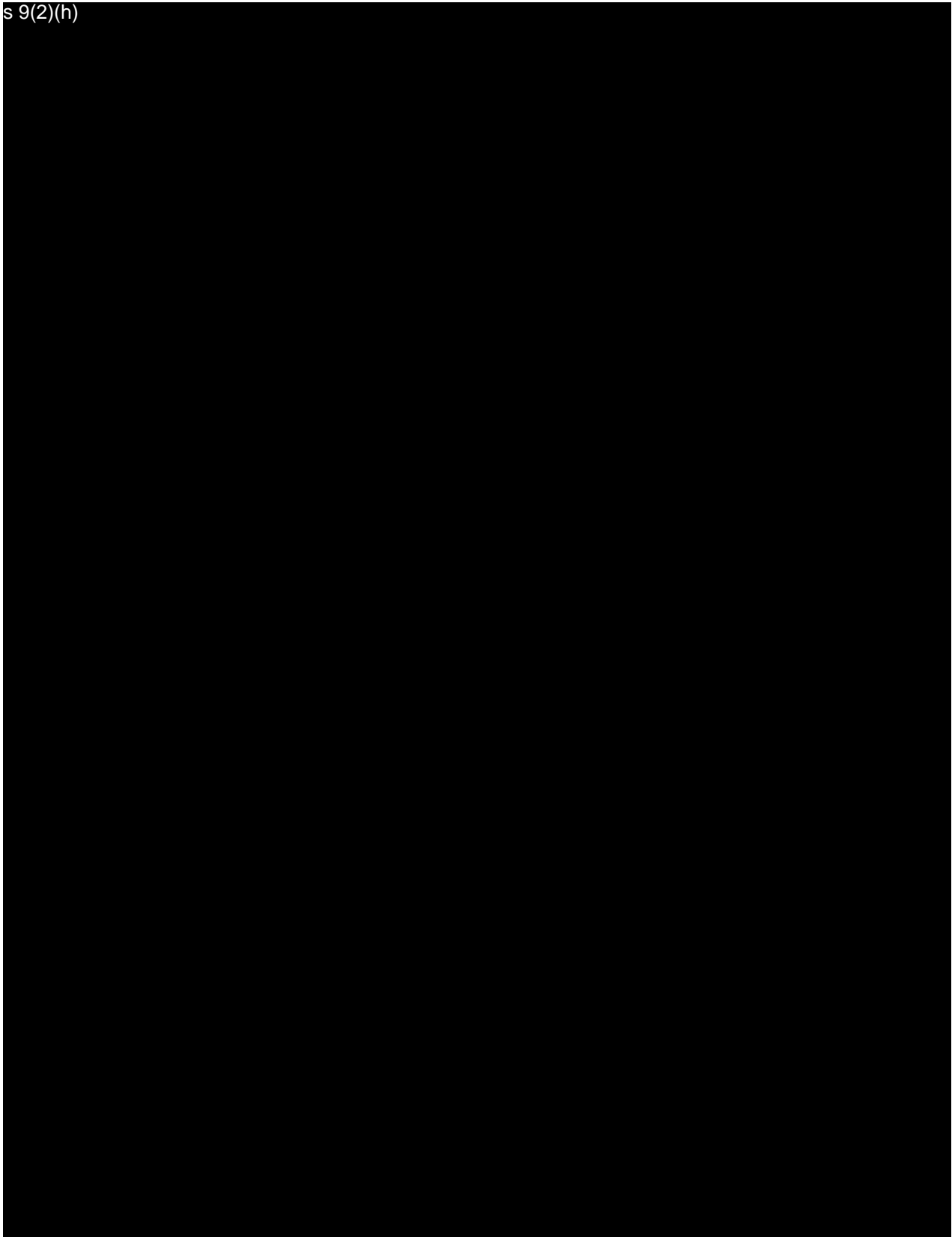


12. Intelligence gathering through photographs has proven to be evidentially important to investigations. Photographs are often the best method of capturing who is at a scene or location at a relevant time and may be the only opportunity for capturing detail that, while not immediately consequential, may later become crucial evidential information or intelligence.


13. s 9(2)(h)



s 9(2)(h)



s 9(2)(g)(i)



s 9(2)(g)(i)

There is a programme of work to address the other recommendations

- 22. s 9(2)(h) Police is currently working to respond to the wide-ranging concerns and required actions to improve Police’s collection practice. Significant improvements will be required to training, process and procedure, policy and communications.
- 23. Police had already started addressing some of these concerns in response to the Compliance Notice issued in December 2021. Additional work is now underway to respond to the recommendations in the report. For example, Police is currently developing privacy training for frontline officers about the Privacy Act 2020, including exceptions to the principles and their requirements. This is expected to be available for staff in the form of interim guidance by 20 October 2022, with formal learning products being rolled out across Police until December 2023 s 9(2)(h)

Next steps

- 24. Police will provide further advice about whether legislative change is required by mid-December.
- 25. Police will keep you updated on the programme of work to respond to and address the remaining recommendations in the OPC and IPCA report.

Reviewed by	Jeremy Wood, Executive Director, Policy and Partnerships	s 9(2)(a)
Approved by	Jevon McSkimming, Deputy Commissioner	s 9(2)(a)

s 9(2)(h)

