

Alcohol information sharing guidelines

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Policy statement and principles

The duty to collaborate is now a provision of the [Sale and Supply of Alcohol Act 2012](#) (SASA). It requires Police, Licensing Inspectors and Medical Officers of Health to establish and maintain arrangements with each other to ensure the ongoing monitoring of licences and enforcement of the Act. The sharing of alcohol data is part of that collaboration. There is a willingness to share information among agencies and across all levels of government, however care must be taken to ensure that Police are compliant with Privacy Act and Official Information Act.

The key, critical points for staff to note are:

- The purpose of data sharing.
- What data do we collect?
- Who do Police share alcohol related data with and what are the rules around disclosure?
- How do we apply the Privacy Act to data shearing?

What

The effectiveness of regulatory agencies operating in the alcohol sector is directly related to the information sharing processes that they adopt and use.

A key objective for Police in the alcohol harm prevention context is to build partnerships with key stakeholders and effectively engage in a collaborative interagency response to prevent alcohol-related harm.

Police participation in this process requires us to share information with other regulatory and supporting agencies, so that each agency may contribute to the sector objectives of:

- reducing the incidence of alcohol related harm
- preventing the recurrence of alcohol related harm
- promoting host responsibility
- holding licensees, managers and alcohol serving staff accountable and compliant with the [Sale and Supply of Alcohol Act 2012](#).

Why

Sharing of information is critical to get the best results with preventing alcohol-related harm. The flow of information between agencies should be efficient but adhere to the Official Information Act 1982 and the Privacy Act 2020.

How

Refer to '[Privacy and official information](#)' in the Police Manual chapter for more general information relating to the disclosure of information under the [Privacy Act 2020](#) and [Official Information Act 1982](#).

Need further advice about information sharing?

Need further advice about information sharing?

This chapter is a 'guide' only. If you have any questions about alcohol information sharing not covered in these guidelines contact any of the following at Police National Headquarters:

- Police Legal Services; or
- National Alcohol Manager (PREV); or
- National Alcohol Harm Reduction Coordinator.

Partnerships

Purpose of partnerships with other agencies

Partnerships involve:

- community problem solving
- sharing:
 - intelligence and protecting personal and commercially sensitive information
 - resources, ideas, skills, time and experience
- challenging the traditional model of policing through law enforcement only
- working towards a shared vision, while 'managing the differences'
- the creation of opportunities to develop more innovative solutions
- trust, respect, commitment and open communication.

Coordinated approach to information sharing

Sharing knowledge, information, concerns, planning and resources is vital for a coordinated prevention, monitoring and enforcement approach of licensed premises. The establishment of tri-party regulatory groups is key for efficient information sharing and coordinated enforcement strategies.

Developing partnerships and applying a coordinated problem-solving approach to alcohol harm reduction is essential, if the [object of the act](#) is to be achieved.

Combined Alcohol Enforcement Group (CAEG)

Area regulatory groups are known by various names but are commonly known as Combined Alcohol Enforcement Group (CAEG). They ensure licensees, managers, licensed premises' staff, patrons and the public comply with [SASA](#) and the alcohol related provisions of the [Summary Offences Act 1981](#).

[CAEG](#) is the mechanism whereby a number of government and non-government agencies meet to discuss alcohol matters in their respective areas. [CAEG](#) is also a principal information sharing mechanism for the purpose of these guidelines.

It is important that:

- the participating agencies are in common agreement about the matters that will be discussed at the meeting, and
- information confidentiality be maintained (an example of a 'confidentiality agreement' is attached as [Appendix 1](#)).

Principal agencies

The principal information sharing agencies in the alcohol context are the regulatory participants in [CAEG](#):

- New Zealand Police
- Territorial Authority Licensing Inspectors
- Representatives of the Medical Officer of Health
- NZ Fire Service.

Other agencies

Other information sharing agencies in the alcohol context having involvement with [CAEG](#) may include:

- Te Whatu Ora/Health Promotion Agency (HPA)
- Accident Compensation Commission (ACC)
- Hospitality New Zealand (HNZ)
- Māori Wardens
- Licensed premises' operators
- Local authority/council
- Iwi community groups

- Local business groups
- Community groups.

Collecting and holding Police alcohol information

Purpose of collecting and holding alcohol information

Alcohol information collection, recording and holding by Police pertains to the maintenance of the law, including the prevention, detection, investigation, and prosecution of offences.

Methods used for collecting information

In the alcohol context, Police use two different methods for collecting information:

- Police forms, notebooks and alcohol infringement offence notices (AIONs)
- Intelligence notings.

Forms, notebooks and alcohol infringement offence notices (AION)

The Police notebook, Licensed Premises Patron Report, Licensed Premises Compliance Check, and [alcohol infringement offence notices](#) are tools carried and used by Police officers to collect and record information about patrons, licensed premises visits and infringements. This information includes:

- incidence of:
 - prohibited person(s) on licensed premises
 - inspections of licensed premises
 - alcohol infringements by minors
- licensed premises:
 - name/location
 - type of licence
 - designated areas
- date, time, place
- patron's details (including identification used)
- indicators of intoxication (including amount and type of alcohol consumed)
- licensee/manager's details
- what occurred (intelligence noting/incident/offence)?
- how was matter resulted (intelligence gathering/reported/trespassed/AION/summonsed/arrested)?
- who attended?

Note: As the Patron Report identifies individuals, electronic copies **must not** be shared with licensed premises.

Alcohol infringement offence notices ([AION](#)) are issued for specific offences under:

- Sale and Supply of Alcohol Act 2012
- Summary Offences Act 1981
- Local Government Act 2002.

Intelligence notings

An intelligence noting in the alcohol harm reduction context is a type of record entered in the National Intelligence Application ([NIA](#)) and used to record information of possible intelligence value:

about:	but is not:
<ul style="list-style-type: none"> - licensees - managers - licensed premises' staff - patrons - minors - licensed premises - alcohol in public places - alcohol-related behaviour 	<ul style="list-style-type: none"> - an offence - an incident - a task, or - other Police action.

Holding alcohol information

Collected alcohol information is entered and stored in Police ICT systems, e.g. the National Intelligence Application (NIA) and Police Infringement Processing System (PIPS).

Police hold this information to assist it to maintain the law, including the prevention, detection, investigation and prosecution of people suspected of committing offences.

Holding information from an intelligence noting provides Police with an additional source of supporting evidence about the conduct and potential breaches on licensed premises by licensees, managers, licensed premises staff and patrons, or alcohol-related behaviour in public places involving the public, particularly minors.

Sharing and disclosing alcohol information

Purpose of information sharing

The purpose for alcohol information sharing by Police is to:

- apply a mechanism for informing a multi-agency approach (through [CAEG](#)) to:
 - reduce alcohol-related harm
 - enhance public safety, and
- form the basis of collaborative problem-solving strategies among regulatory agencies.

Note: An important aspect of interagency information sharing is that the agencies involved must only use the information for the purpose or a directly related purpose for which the information was obtained. For this reason, the purpose of information sharing must be clearly defined and all participating agencies in agreement as to their common purpose.

How Police share alcohol information?

The flow of information between agencies should be efficient, so that the receiving agency receives the information it requires to carry out its role in preventing further instances of alcohol harm.

The test for information sharing is: what information does the agency need to carry out its functions? It is expected that the information each agency will receive from Police will differ depending upon the agency's role in the alcohol harm reduction context.

Methods of sharing

Information sharing is a relatively broad concept and in the alcohol harm reduction context the sharing occurs in three different ways:

- routine disclosures - where information is collected for the purpose of disclosing it, e.g. Licensed Premises Compliance check form
- disclosure in response to a request, e.g. [Official Information Act 1982](#)
- voluntary disclosure of information, in the absence of a request, e.g. pursuant to the exception in principle 11(e)(i) of the Privacy Act.

Applying the Privacy Act 2020 to alcohol information sharing

Information sharing about identifiable individuals is governed by the [Privacy Act 2020](#). The Privacy Act was introduced to promote and protect the privacy interests of individuals and the Act's privacy principles regulate the collection, storage and security, access to and correction of information, accuracy and retention, and place restrictions on the use and disclosure of information. In the information sharing context if any information about identifiable individuals is shared with other agencies the use and disclosure must comply with the provisions in the Privacy Act 2020.

The [fourth schedule](#) of the Privacy Act also outlines what law enforcement information may be shared between government agencies listed in the schedule. The fifth schedule only applies to the agencies listed.

Note: The Privacy Act 2020 only applies to personal information about people and does not include information about agencies or organisations or businesses.

Refer to [Appendix 2](#) for an outline on how the thirteen information privacy principles apply and how other sections of the Act may have a bearing on what information can be disclosed.

All Police employees must comply with the Privacy Act

To reduce the risk of breaching the Privacy Act, Police employees must:

- adhere to these information sharing guidelines
- [seek advice](#) if faced with an unusual situation where disclosure does not appear to fit within the guidelines.

Ultimately the decision whether to follow the advice received is up to the individual employee. However, it is recommended that any advice not followed, should be documented at the time to reduce the likelihood of any breaches of the [Code of Conduct](#).

Privacy risk

An agency that receives personal information that it has not solicited or requested is not subject to the [collection principles](#) of the Act but must comply with all of the other information privacy principles. The risk lies with the agency that discloses the information particularly if there is no justification for the disclosure.

Note: If Police disclose alcohol information in breach of Principle 11 it may also be responsible for any subsequent disclosure by the other agency that breaches the Privacy Act 2020.

Applying the Official Information Act 1982

The [Official Information Act 1982](#) only applies when a request for information is made.

If the requester is someone other than the individual that the information requested is about, the request is an Official Information Act request. If an individual requests information about themselves the request is a [Privacy Act 2020](#) request.

In both cases Police are required to provide the information requested, unless it has good reasons not to, such as if any of the "good reasons to refuse a request" are applicable.

Refer to the '[Disclosing personal and official information](#)' chapter of the Police Manual for:

- more information about responding to requests for information generally
- sample letters as a guide to responding to requests for information including, transferring requests for information to other agencies when the information is held by Police but was provided by the other agency.

Commercially sensitive information

Information must be protected from disclosure where it would be likely to prejudice the commercial position of the person or the licensed premises business they operate ([s9\(2\)\(b\)\(ii\)](#) refers).

Be aware that releasing information sourced from people who are happy to provide information to Police about alcohol harm may result in those same people refusing to provide Police with information on future occasions ([s6\(c\)](#) refers).

Sharing information with regulatory agencies

Alcohol information sharing is part of the commitment by Police to work in partnership with the community, other government agencies, non-government agencies and industry bodies to problem solve issues of alcohol related harm.

Police want to share alcohol information with:

Agency	to assist or support them:
District Licensing Committees (DLCs)	<ul style="list-style-type: none"> - consider and determine applications for the granting of on-licences, off-licences, club licences and special licences. - grant applications for renewal of on-licences, off-licences, and club licences or to vary conditions. - consider and determine applications for temporary authority to carry on the sale and supply of alcohol in accordance with section 136 of the SASA. - grant such applications for new and renewed managers' certificates.
Health (i.e. Public Health Units who support the Medical officer of Health)	<ul style="list-style-type: none"> - inquire into an application for on, off, club and special licences and renewals. - monitor and report on licensed premises compliance with the requirements of the Act and reporting to the DLC or ARLA.

Disclosing information identifying offending premises, licensees or managers

Identifiable information (premises, persons, incidents) may only be disclosed to the regulatory agencies - Territorial Authority Licensing Inspectors and representatives of the Medical Officer of Health.

Information that may identify offenders (other than licensees or managers) should not be disclosed, **unless** it is to assist licensed premises' operators with identifying patrons for the purpose of trespassing them from licensed premises.

Disclosing Alco-Link information

Information generated from Alco-Link is sensitive and should be subject to conditions and caveats before release. Refer to the conditions disclosed in the confidentiality agreement at [Appendix 1](#) and the [caveats](#) below.

Alco-Link information should not be disclosed outside Police without a clear understanding being established of the restrictions on the release of data by the parties involved.

Suggested caveats to attach to Alco-Link data

Suggested caveats to attach to Alco-Link data include:

Selection	Description
1	"This report is for intelligence purposes only. It has been provided for the specific use of the recipient and should not be provided to any third party. Any requests to release this report must be referred to New Zealand Police."
2	"Please note that this data is provisional and drawn from dynamic operational database. It is subject to change as new data is continually recorded. Provisional data cannot reliably be compared to official Police statistics. As Alco-Link information is gained from persons who have been consuming alcohol prior to coming to Police attention, it is not used as the basis for a prosecution."

Disclosing alcohol information in NIA

Alcohol information in [NIA](#) pertaining to premises can be released to:

- DLC (including details about licensees and managers)
- Medical Officer of Health (including details about licensees and managers).

Seek advice if disclosing beyond regulatory agencies

If you believe it is necessary to share alcohol information beyond the regulatory agencies, you should obtain advice before disclosing the information, from the:

- Police Legal Services; or
- National Alcohol Manager (PREV); or

- National Alcohol Harm Reduction Coordinator.

Appendix 1: Confidentiality agreement

Download the Appendix 1 - Confidentiality agreement.

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 [Appendix 1 - Confidentiality agreement.doc](#)

48.5 KB

Appendix 2: Applying the privacy principles in the alcohol harm reduction context

The Privacy Act 2020 and the 13 [information privacy principles](#) only apply to personal information about identifiable individuals and have a limited application to the collection, use and disclosure of alcohol information.

Information Privacy Principles

Principle 1 - Purpose of collection of personal information

Principle 1 states that an agency shall not collect personal information unless the information is collected for a lawful purpose, connected with a function or activity of the agency and that the collection is necessary for that purpose.

Police are a law enforcement agency and the information collected on the Licensed Premises Compliance Report, Patrons Report, [alcohol infringement offence notices \(AION\)](#) and Police notebooks is collected for:

- law enforcement purposes
- recording an instance of a [SASA](#) breach
- name of licensee, manager, licensed premises' staff member and patron, which may be used for the purpose of [SASA](#) compliance and reducing alcohol related harm.

The issue for Police under Principle 1 is whether the collection of this information is 'necessary'. There is no doubt that the collection of personal information arising from licensed premises compliance checks by Police is necessary to enable it to carry out its law enforcement function.

Principle 2 - Source of personal information

Principle 2 states that where an agency collects personal information the agency shall collect the information directly from the individual concerned.

Police are compliant with Principle 2 as Premises Compliance Report, Patrons Report, [alcohol infringement offence notices \(AION\)](#) and Police notebooks are filled out with the individual present. In some situations, the offender may not be present, but their details are also recorded on these Police forms or Police notebook. There are exceptions to this principle that permit Police to collect information about the offender from someone other than the offender.

Principle 3 - Collection of information from subject

Principle 3 provides that where an agency collects information directly from the individual concerned it must make the individual aware of a number of matters.

The principle lists the things that the individual must be made aware of as follows:

- the fact that information is being collected
- the purpose for which the information is being collected
- the intended recipients of the information
- the name of the agency collecting the information
- the law by or under which the collection of the information is authorised or required and whether or not the supply of that information is voluntary or mandatory
- consequences (if any) for the individual of not supplying information
- rights of access to and correction of personal information provided by the privacy principles.

Principle 3 has a direct link with Principle 11 and sets up a framework for the routine disclosure of information for information sharing purposes in the alcohol context by telling a person why their information is being collected and to whom it may be disclosed and why. In that context Police primarily collect information for the purpose of sharing it as the Police role is just one part of a multi agency approach to enforce [SASA](#) compliance and contribute to the reduction of alcohol abuse. A multi agency approach will only be effective if information can be shared and sharing implies a two- or three-way flow of information between agencies.

Principle 4 - Manner of collection of personal information

Principle 4 states that an agency must not collect information in a manner that is unlawful, unfair or is unreasonably intrusive.

The focus of this principle is to ensure that individuals are not misled into providing information.

Principle 5 - Storage and security of personal information

Principle 5 provides that an agency must take reasonable security safeguards to protect the information it holds from loss and unauthorised access, use, modification and disclosure. Police already have policies in place to guard against unauthorised access, use and disclosure.

These guidelines will further serve to reinforce the commitment by Police to ensure that alcohol harm information is specifically protected from any unauthorised access, use or disclosure.

In relation to information sharing, it is necessary to ensure that any agency which receives information collected by Police also has reasonable security safeguards in place to ensure the personal information it receives from Police is protected. It is also necessary to ensure that any receiving agency does not disclose the Police information to any other agency unless it has Police permission to do so.

Principles 6 & 7 - Access to and correction of personal information

Principles 6 and 7 state that where an agency holds information about an identifiable individual the individual has the right to request:

- confirmation that the agency holds personal information about them
- access to that information, and
- correction of any of their personal information they think is incorrect.

Principle 8 - Accuracy etc of personal information to be checked before use

Principle 8 requires an agency that holds personal information to ensure that, having regard to the purpose for which the information is used, the agency takes reasonable steps to ensure that the information is accurate, up to date, complete, relevant and not misleading. The intention of this principle is that information should be checked for accuracy before it is used, for example, disclosed to another agency.

Under Principle 8, "use" encompasses situations where disclosure is a use of the information and therefore applies to the routine disclosure of Premises Compliance Report, Patrons Report, [alcohol infringement offence notices](#) (AION) and Police notebook information by Police to other agencies.

Principle 9 - Agency not to keep personal information for longer than necessary

Principle 9 requires that an agency holding personal information shall not keep it for longer than is needed for the purposes for which it may lawfully be used.

All alcohol information is currently retained 'indefinitely' on [NIA](#).

Principles 10 and 11 - Limits on use and disclosure of personal information

Principles 10 and 11 prohibit the use and disclosure of personal information that was collected for one purpose being used or disclosed for another purpose unless the agency believes on reasonable grounds that the use or disclosure is permitted by one of the stated exceptions.

The difference between the application of the Official Information Act and the Privacy Act is that under the Official Information Act, Police are required to provide the information requested, unless it has good reasons not to, whereas under the Privacy Act any disclosure under Principle 11 is discretionary, i.e. Police have a choice whether it discloses the information if no request has been made.

It is also worth noting that any disclosure in response to an Official Information Act request, if it is processed in accordance with the provisions in the Act and the information is disclosed in good faith, section 48 provides that no civil or criminal proceedings will lie against the agency as a result of making the information available.

No such protection applies in respect of a voluntary disclosure of information under the Privacy Act.

Principle 12 - Disclosure of personal information outside New Zealand

Principle 13 - Unique identifiers

Principle 13 is concerned with unique identifiers and is not relevant to these guidelines.
