



20 April 2026

Ref: OIA-2025/26-0636

[REDACTED]
[REDACTED]

Tēnā koe [REDACTED]

Official Information Act request relating to roadside oral fluid drug testing

Thank you for your Official Information Act 1982 (the Act) request, which was received by the Department of the Prime Minister and Cabinet (DPMC) on 2 April 2026. Your request is attached to this letter as Appendix 1.

DPMC does not hold the requested information, and I believe such information is more closely connected to the functions and responsibilities of the New Zealand Police. Accordingly, I would usually transfer your request to Police under section 14(b)(i) of the Act. However, given your request was also sent to Police, I refer you to their response.

You have the right to ask the Ombudsman to investigate and review my decision under section 28(3) of the Act.

This response will be published on DPMC's website during our regular publication cycle. Typically, information is released monthly, or as otherwise determined. Your personal information including name and contact details will be removed for publication.

Nāku noa, nā

Jenna Hansen
Manager, Accountability and Ministerial Services

Appendix 1 – Your request

Official Information Act 1982 – Roadside Oral Fluid Drug Testing Programme

To: Official Information Team New Zealand Police

Date: April 1st 2026

1. INTRODUCTION

This request is made pursuant to the Official Information Act 1982.

This request concerns the evidential basis, operational safeguards, decision-making processes, and accountability mechanisms associated with roadside oral fluid drug testing enforcement activity.

This request relates to institutional policies and procedures rather than any individual officer.

The purpose is to understand the procedural safeguards relied upon where enforcement action may affect the liberty, property, and legal position of members of the public.

2. PURPOSE OF REQUEST

This request seeks to understand:

- The evidential basis relied upon before programme implementation
- Safeguards protecting individuals from unjust enforcement outcomes
- Training and procedural requirements governing officers
- Data collection and data use practices
- Operational performance measures
- Financial and procurement considerations

This information is sought to understand how enforcement powers are exercised consistently with statutory obligations and rights protections.

3. STATUTORY AUTHORITY AND LEGAL FRAMEWORK

Please provide:

3.1 All internal guidance explaining Police authority to conduct roadside oral fluid drug testing.

3.2 Any legal advice, operational guidance, or briefing documents explaining how testing powers interact with:

- New Zealand Bill of Rights Act 1990
- Land Transport Act 1998
- Search and Surveillance Act 2012

3.3 Any documents describing procedural safeguards intended to ensure compliance with rights protections.

4. DEVICE VALIDATION AND RELIABILITY

Please provide:

4.1 All validation studies relied upon before approval of roadside oral fluid testing devices.

4.2 Any internal assessments relating to:

- False positive rates
- False negative rates
- Reliability thresholds
- Environmental contamination risks
- Operational limitations

4.3 Any risk assessments relating to potential enforcement consequences arising from incorrect results.

4.4 Any documents describing how confirmatory testing safeguards are intended to prevent unjust outcomes.

5. HEALTH AND SAFETY AND RISK MANAGEMENT

Please provide:

5.1 Health and safety assessments undertaken prior to programme rollout.

5.2 Any hazard identification relating to:

- Biological exposure
- Device handling risks
- Public interaction risks
- Use of force risks

5.3 Any incident reports relating to adverse outcomes associated with roadside testing.

6. OPERATIONAL PROCEDURES AND TRAINING

Please provide documentation describing:

6.1 Training provided to officers regarding:

- Lawful use of testing powers
- Reasonable use of force
- Handling refusals
- De-escalation requirements

6.2 Procedures governing:

- Detention following negative results
- Handling disputed results
- Handling refusals
- Escalation to evidential testing

6.3 Any procedural safeguards intended to prevent unnecessary detention.

7. OPERATIONAL PERFORMANCE MEASURES

Please provide:

7.1 Any performance indicators relating to roadside drug testing.

7.2 Any numerical activity targets relating to testing operations.

7.3 Any documents describing how programme success is measured.

7.4 Any evaluations of programme effectiveness.

8. DATA COLLECTION AND USE

Please provide:

8.1 A list of all data fields recorded during roadside testing events.

8.2 Any data dictionaries describing information captured.

8.3 Any policies describing:

- Data storage
- Data retention periods
- Data sharing arrangements

8.4 Identification of any agencies receiving this data.

8.5 Any privacy impact assessments conducted.

9. PROCUREMENT AND FINANCIAL INFORMATION

Please provide:

9.1 Procurement documents relating to testing devices.

9.2 Contract values associated with device acquisition.

9.3 Any cost-benefit analysis undertaken.

9.4 Total programme costs to date.

9.5 Any revenue arising from enforcement activity connected to roadside drug testing.

10. ACCOUNTABILITY AND REVIEW

Please provide:

10.1 Any internal audits of the roadside testing programme.

10.2 Any independent reviews undertaken.

10.3 Complaint statistics relating to roadside testing.

10.4 Any corrective action reports.

11. PROCEDURAL FAIRNESS SAFEGUARDS

Please confirm what safeguards Police consider exist to ensure:

- Enforcement actions are proportionate
- Testing powers are exercised reasonably
- Errors do not result in unjust outcomes
- Members of the public are protected from unnecessary harm

12. FORMAT

Electronic copies preferred.

13. CONCLUSION

This request seeks to understand the procedural and evidential safeguards governing roadside drug testing enforcement activity.

The information requested is intended to assist in understanding how statutory powers are exercised and how safeguards protect members of the public.

Proactively Released