

we asked

In May 2024 we asked the Expert Panel's advice on the general use of software that provides information that may have been collected from public websites where the method of collection may infringe on the terms of conditions of the site. For example, software that creates accounts to scan publicly available social media accounts.

they said

The panel acknowledged that 'this is the future' and Police need to be able to access and use online public information but must do so in a principled way. The panel further recognised the difficulties Police faced in the absence of any legal or regulatory frameworks as well as the 'sliding scale nature of the problems' the technology solutions seek to address.

The panel suggested that in the absence of a regulatory regime Police ensure that they have an internal authorisation and review process that escalates through senior staff and leadership. The panel further suggested that information collected using software is vetted thoroughly for accuracy, especially before any action is taken based on the information collected.

Lastly the panel posed several questions for Police to consider when developing further policy in this area including; the terms and conditions of websites, tracking of individuals, urgency of information, controls against errors in information, harm minimisation to the rights or privacy of individuals, and its proportional use weighed against the potential intrusion.

we did

Police have an assurance process that identifies the risks of the adoption and use of technology, recommending controls and providing visibility to senior leaders. How software functions, such as how it may come into conflict with a site's terms of service is considered in the legal assessment of this process.

Police also have existing operational procedures for the use of software that collects information from public websites and considers the rights of individuals and seeks to limit the amount of information Police are required to interact with. This policy includes provision for the use of software by trained staff in specialised groups that makes collection more efficient and ensures expert assessments are conducted of any tool outputs. The policy includes a 'red flagging' protocol which provides guidance to staff to identify unreliable information and unusual software behaviour and report these defects immediately. This policy is now being updated to include the escalation through senior staff of complex or borderline uses and refreshing guidance provided to staff on the reliability of the information provided by the software.