

## **FREEDOM OF INFORMATION CASE NOTES**

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### **Correcting a Police Alert *Information Act s.31***

The complainant learnt that an alert was recorded in his profile in the police database that suggested he was likely to make false complaints about residents at a particular address. His view was that this information was inaccurate and he sought to have it corrected. NT Police took the view that the information was accurate and refused to correct it.

The alert had been added by two police members who had investigated when the complainant had contacted police to deal with an incident. The police members were contacted about the reasons why they added the alert, and stated that they had spoken to the alleged offenders in the incident, who convinced police that the complainant was the one 'actually causing the trouble'. The alleged offenders also said the complainant was a nuisance and constantly harassed them. One of the police members expressed the view that the alleged offenders were 'upstanding and good citizens'.

Police submitted evidence of a subsequent incident called in by the complainant and investigated by two different members. This was submitted as evidence that the alert was accurate, but primarily served to highlight the potentially problematic effect of placing such an alert on the police database. The members who investigated the second incident saw the alert and immediately formed the conclusion that the complainant was making another false complaint. No facts to support this assessment of falsity were indicated other than a reference to the alert itself. The alleged offender was spoken to and denied the allegations and the investigation was then terminated.

The decision maker decided that there was sufficient *prima facie* evidence to support the complainant's contention that the alert was inaccurate and ought to be removed, although the accuracy of the alert was a question of fact that would need to be decided at hearing. An alert is not a kind of information that is for historical purposes only. Following the *prima facie* decision, NT Police voluntarily removed the alert and the matter was resolved.