

## **MAIL MONITORING NOTICE**

### **YOUR MAIL MAY BE OPENED, READ AND WITHHELD (except exempt mail - refer to list below)**

Sections 106 to 108 of the Corrections Act 2004 allow mail to be opened and examined by staff members and, read, or withheld by authorised persons with the following considerations in mind:

- the need to protect your privacy and your correspondents
- the benefits of maintaining contact with persons and organisations outside the prison
- the need to maintain the security and order of the prison
- the need to prevent the commission of offence
- the need to ensure the safety of any person
- the need to prevent the entry of unauthorised items into the prison
- the interests of victims
- the potential impacts of the written material on persons beyond the intended recipient, including the potential for the sharing and publication of the material
- the potential for messages to be disseminated through coded references.

### **WHY MAIL MAY BE WITHHELD**

**All mail, apart from exempt mail (listed below) may be opened and examined for unauthorised items. Unauthorised items are:**

- any article that could, while in your, or anyone else's possession, be harmful to your or to another person
- any drug, alcohol, or other intoxicating substance
  - tobacco
  - any equipment used for smoking tobacco or any other substance
- any electronic communication device
- any thing that could be used for the purpose of facilitating the escape from lawful custody of any person
- in relation to any person, any thing that may not lawfully be retained in the person's possession
- any article or thing that is in the possession of any person in contravention or intended contravention of section 128, section 129(a) section 129(aa), section 141, section 143, or section 144 of the Corrections Act 2004
- any thing or substance that could be used to tamper with or dilute or contaminate any sample that a prisoner is required to supply in accordance with a prescribed procedure under section 124 of the Corrections Act 2004
- any offensive weapon within the meaning of section 202A of the Crimes Act 1961
- any disabling substance within the meaning of section 202A of the Crimes Act 1961
- any article or thing declared to be an unauthorised items by regulations made under the Corrections Act 2004.

**Mail may also be withheld if the person making the decisions has reasonable grounds to believe:**

- You, or the other person, asks the prison director to do so; or
- The other person is under 16 years, and his or her guardian asks the prison director to do so; or
- the other person is in prison, and neither of you have notified the prison director of your intention to correspond; or
- the prison director believes on reasonable grounds that the correspondence may, directly or indirectly;-
  - threaten or intimidate any person to whom it is being sent; or
  - endanger the safety or welfare of any person; or
  - pose a threat to the security of the prison; or
  - promote or encourage the commission of an offence, or involve, or facilitate the commission or possible commission of, an offence; or
  - prejudice the maintenance of the law (including the prevention, detection, investigation, prosecution, and punishment of offences, and the right to a fair trial); or
  - breach an order or direction of any court or constitute contempt of court
  - promote or encourage hostility towards any group of persons on 1 or more grounds specified in section 21 of the Human Rights Act 1993.

You can reduce delays, or withholding of mail, by making sure that:

- It is written in legible handwriting.
- You tell staff what language it is written in if it is written in a language other than Te Reo or English (this saves time with any translation – of needed).
- It does not breach any of the withholding grounds above.
- It does not contain any coded reference or information.
- It is not being sent to someone you are not allowed to have contact with (it is also an offence under the Corrections Act 2004 to contact a person in breach of a court order or direction).

These grounds also apply to mail being sent within a prison, or to a different prison, using the prison mail system.

To help avoid your incoming mail from being delayed you can invite your friends and whānau to use the ePrisoner email address. Talk to your unit staff if you need help with this.

## **MAIL EXEMPT FROM BEING OPENED, READ, AND WITHHELD:**

- Members of Parliament;
- Ombudsmen and employees of the Office of the Ombudsmen, (in all their statutory roles);
- Corrections Inspectors;
- Security Monitors;
- The Health and Disability Commissioner and employees of the Office of the Commissioner;
- The Privacy Commissioner and employees of the Office of the Commissioner;
- Human Rights Commissioner and employees of the Office of the Human Rights Commission;
- The Police Complaints Authority and employees of the Authority;
- The Children's Commissioner and employees of the Office of the Commissioner.

## **MAIL TO AND FROM LEGAL ADVISOR**

- Mail from a Legal Adviser to a prisoner (with a covering letter to the prison director stating that they are acting in a professional capacity and that the correspondence relates to the prisoner's legal affairs) and mail from a prisoner to their legal advisor business address will not be opened by a member of staff, unless:
  - it is not appropriately addressed (or is not accompanied by the covering letter), or
  - the mail appears to contain an unauthorised item.
- Mail between a legal advisor and a prisoner is to be opened and read in the presence of the prisoner, and when the mail:
  - contains an unauthorised item, or
  - does not appear to relate to the prisoner's legal affairs.

*The Privacy Act 1993 applies to any activity authorised under any of sections 104 to 110B relating to correspondence to or from a prisoner."*

*Information obtained from the opening, and reading of prisoner mail will only be disclosed to third parties, if the criteria set out in Section 110A of the Corrections Act 2004 is met.*