

9. Unlawful possession of surveillance information

- (1) A person who is unlawfully in possession of surveillance information commits an offence.
Penalty: \$5 000
- (2) It is lawful for a person to be in possession of surveillance information only if —
 - (a) the person is a law enforcement officer and has possession of the surveillance information in the course of his or her duty;
 - (b) the person is assisting a law enforcement officer in the exercise of the officer’s duty and has possession of the surveillance information in the course of providing that assistance;
 - (c) the surveillance information was obtained in accordance with Part 5 of the Act; or
 - (d) the surveillance information was obtained by the person —
 - (i) from a person who was lawfully in possession of that information; and
 - (ii) in circumstances where the publication or communication of the surveillance information to the person was not an offence under section 9 of the Act.
- (3) In this regulation —

“surveillance information” means a report or record of a private conversation or private activity of a person, or of the geographical location of a person or object, that was obtained, directly or indirectly, through the use of a surveillance device.