

New Zealand Digital Forensics Framework

Evidence Act 2006 & Cross-Border Cooperation

New Zealand's digital forensic landscape is defined by the Evidence Act 2006, which sets stringent requirements for the admissibility of electronic evidence. Forensic practitioners must ensure rigorous adherence to these standards, particularly when managing evidence across international jurisdictions via treaties like the ASEAN MLAT.

1. Evidence Act 2006: Chain of Custody

The Evidence Act 2006 prioritizes the reliability and integrity of digital evidence. A standard, unbroken chain of custody is mandatory for all digital artifacts presented in New Zealand courts. This requires detailed, timestamped, and verified documentation of every person who has handled, transported, or analyzed the evidence from the moment of seizure to trial.

2. The 72-Hour Evidence Triage Rule

In practice, for fast-moving forensic investigations in New Zealand, investigators should target an initial evidence triage and integrity verification within **72 hours** of seizure. This timeframe ensures that critical data is identified, hashed, and secured before volatile data is lost or system integrity is questioned during judicial proceedings.

3. Integration with the ASEAN MLAT

When an investigation requires evidence located within ASEAN member states, the ASEAN MLAT in Criminal Matters (2019) acts as the primary legal bridge. Practitioners must align New Zealand's internal Evidence Act requirements with the formal request processes of the MLAT:

- **Unified Process:** All requests to access digital evidence in ASEAN jurisdictions must be routed through the relevant Central Authorities to ensure legal admissibility in both New Zealand and the requested ASEAN state.
- **Procedural Compliance:** Evidence obtained via MLAT must be documented with the same chain-of-custody rigor required under the New Zealand Evidence Act 2006.

Best Practice: Admissibility Strategy

To ensure digital evidence remains admissible, maintain cryptographically verified logs for all files acquired. Ensure that the chain of custody for cross-border evidence explicitly tracks the

transfer from foreign custody to New Zealand jurisdiction, ensuring no gap in the evidentiary narrative.

Strategic Implications for Practitioners

- **Documentation:** The absence of a verifiable chain of custody for any segment of the evidence lifecycle is grounds for exclusion under the Evidence Act 2006.
- **Collaboration:** Early coordination with legal counsel regarding MLAT requests is essential to prevent delays that could jeopardize the 72-hour triage target and the overall integrity of the case.