

# Progress update on aspects of Police photographing and fingerprinting practices

## Summary

### Overview

This paper reports on progress New Zealand Police (Police) has made in response to the December 2021 Compliance Notice issued by the Office of the Privacy Commissioner (OPC) about Police photographing and fingerprinting practices [14 requirements].

### Key updates this quarter in relation to the Compliance Notice issued by OPC

- Planning continues on working through feasible options to meet the intent of the requirement to delete casual photographs of rangatahi in public, including sizing and costing the approach, as communicated to OPC in December 2023. Complexities identified in implementing a solution of this size and scale while not impacting frontline operations and Police’s core intelligence system.
- Deletion of the final remaining voluntary fingerprints identified during an assurance check of digital and manual records in late 2023 is progressing well, with over 50% deleted and on track to be completed by the end of March 2024.

### Other work

- Planning underway to audit mobile devices (iPhones) to assess compliance against requirements relating to photographing members of the public (February–May 2024)
- Updates to decision making framework (Checkpoint app), following publication of the Police Instruction *Photographing and videoing members of the public* (March 2024)
- Amendments to related Police Instructions are also being progressed. Most Instructions are expected to be updated by 31 March, with remaining Instructions updated as part of broader reviews.
- Work nearing completion on the development of a Digital Disposal Standard (March 2024).

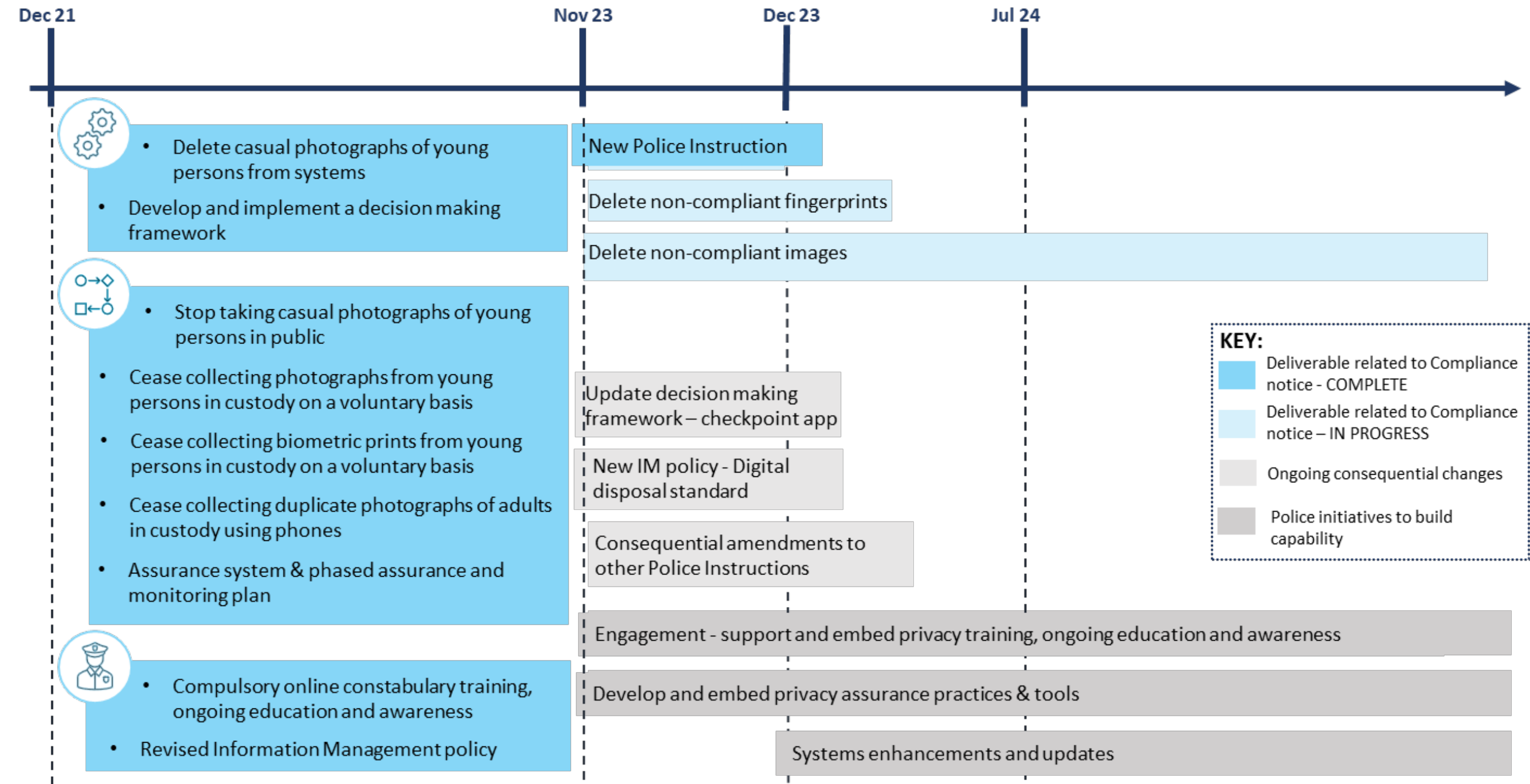
### Key for report back

|   |           |
|---|-----------|
| Not completed within the originally-specified timeframe, and remains a work-in-progress | Completed |
|---|-----------|

## Report back on OPC Compliance Notice Requirements as of March 2024 – Open requirements

| Compliance Notice Requirement  |        |  | Progress update   | Status   |
|--|--------|--|---|--|
| Delete casual photos of rangatahi in public                                      |        |  |   |  |
| ①  | 46a(i) | Identify and delete all photographs (and duplicates of photographs) in Police’s systems that have been taken in a non-compliant manner             | <ul style="list-style-type: none"> <li>A plan to remediate the largest volume of potentially non-compliant images within Police is currently being scoped and costed. This plan involves quarantining (and later disposing of) all data on a portion of the Police Network Drives and implementing a new SharePoint based environment, enabling better oversight and management of images.</li> </ul>   | Not completed within the originally-set timeframe. Remains work-in-progress. |
| Cease collecting biometric prints from rangatahi in custody on a voluntary basis |        |  |   |  |
| ④  | 46b(i) | Identify and delete all sets of biometric prints (and duplicates of prints) in Police’s systems that have been collected in a non-compliant manner | <ul style="list-style-type: none"> <li>Work to identify all physical and digitally-held voluntary fingerprint records was undertaken in 2023.</li> <li>Police worked with the vendor administering the biometrics database to identify and delete all <b>digital</b> voluntary records, resulting in deletion of a significant number of digital records in December 2023.</li> <li>Deletion of all <b>physical</b> voluntary records held across four regional centres and Police’s National Biometrics Office was undertaken in 2023.</li> <li>An assurance check of digital and manual records identified additional digital records requiring deletion. This work is in progress and due to be completed by 31 March 2024.</li> </ul> | Nearing completion, and expected to be completed by 31 March 2024.           |

Visual overview of Police photographing and fingerprinting practices work as at March 2024



## Appendix 2 - Completed Requirements

| Compliance Notice Requirement (Completed)                                    |  | Status  |
|--|--|---|
| <b>Delete casual photos of rangatahi in public</b>                           |  |   |
| 46a(ii)  | Ensure police officers stop taking casual photographs of rangatahi in public in a noncompliant manner  | Completed<br>(22-03-18 First OPC<br>bimonthly update re CN_2021_02) |
| 46a(iii)   | Develop and implement a decision-making framework based on objective and lawful criteria which a police officer must follow when deciding whether it is permissible to photograph rangatahi in public, to ensure the Agency does not retain those photographs for longer than is required to meet a lawful purpose | Completed<br>(22-12-20 2nd OPC<br>Quarterly update re CN_2021_02)   |
| 46b(ii)  | Ensure police officers stop collecting biometric prints from rangatahi in custody in a noncompliant manner   | Completed<br>(22-03-18 First OPC<br>bimonthly update re CN_2021_02) |
| <b>Cease taking photographs of rangatahi in custody on a voluntary basis</b> |  |   |
| 46c(i)   | Identify and delete all photographs (and duplicates of photographs) in Police's systems that have been taken in a non-compliant manner   | Completed<br>(22-03-18 First OPC<br>bimonthly update re CN_2021_02) |
| 46c(ii)  | Ensure police officers stop taking photographs of rangatahi in custody in a non-compliant manner   | Completed<br>(22-03-18 First OPC<br>bimonthly update re CN_2021_02) |
| 46h  | Police must develop and implement a system to regularly audit its compliance with its obligation to delete all identifying particulars, including photographs and Biometric Prints, to ensure it does not keep identifying particulars for longer than is required for a lawful purpose                            | Completed<br>(First OPC quarterly update re CN_2021_02)             |
| <b>Cease smartphone photography of adults in custody</b>                     |  |   |
| 46d(i)   | Identify and delete photographs (and duplicates of photographs) of adults in Police custody in Police's systems that have been taken in a noncompliant manner  | Completed<br>(Fifth OPC quarterly update re CN_2021_02)             |
| 46d(ii)  | Until Police meets its wider compliance obligations, ensure police officers stop using devices which are not connected to Police's National Intelligence Application [NIA] (including Police-issued smartphones) to take photographs of adults in police custody in a noncompliant manner                          | Completed<br>(Fifth OPC quarterly update re CN_2021_02)             |
| <b>Take preventive procedures</b>  |  |   |
| 46e  | Police must develop and implement agency-wide practices and procedures to prevent ongoing Privacy Act non-compliant practices  | Completed<br>(Fifth OPC quarterly update re CN_2021_02)             |
| <b>Take deletion procedures</b>  |  |   |
| 46f  | Police must develop and implement agency-wide practices and procedures for the routine and systematic deletion of all identifying particulars, including photographs and Biometric Prints, to ensure it does not keep identifying particulars for longer than is required for a lawful purpose                     | Completed<br>(Fifth OPC quarterly update re CN_2021_02)             |
| <b>Undertake training</b>  |  |   |
| 46g  | Police must develop and deliver agency wide training to its staff and relevant contractors on practices and procedures highlighted by this Compliance Notice   | Completed<br>(Fifth OPC quarterly update re CN_2021_02)             |
| <b>Take all other necessary steps</b>  |  |   |
| 46i  | Police must identify and take all other necessary steps to ensure that noncompliant practices highlighted in this Compliance Notice do not continue.   | Completed<br>(Fifth OPC quarterly update re CN_2021_02)             |