

## Progress update on aspects of Police photographing and fingerprinting practices

### Overview

This paper reports on progress New Zealand Police (Police) has made in response to the Compliance Notice CN2021-02 issued by the Office of the Privacy Commissioner (OPC) about Police photographing and fingerprinting practices, and the additional variation to the Compliance Notice issued to Police in 2024. The variation to the notice introduced extensions to some compliance timeframes and also amended reporting requirements, including changing the previous quarterly reporting cycle to two-monthly. The new requirement 47(a)(v) “specifying in detail how Police will meet the requirement set out at paragraph 46(a)(i) by no later than 30 June 2025 and proposing a reasonable time for doing so”, and the new requirement 47(a)(vii) for Police “not to access or use any non-compliant records” have been added to the table below.

### Key updates since July 2024

- Ongoing assurance and education focus: An independent review of Police-issued mobile devices (iPhones) across 12 Districts plus Police National Headquarters (PNHQ), the Royal New Zealand Police College (RNZPC) and Service Centres has been completed, providing a benchmark for how our people are applying new guidance and training when photographing members of the public. A detailed assurance report, featuring several recommendations, will now guide ongoing work to support, stabilise, and continue to embed positive changes in operational practice that have occurred since OPC issued its Compliance Notice.
- Preventing access and use of non-compliant photographs: Work has commenced on guidance to support critical thinking when a photograph of a person is identified within Police systems and considered for use for a legitimate Police purpose (i.e., investigation), to ensure it was lawfully collected prior to any subsequent use or re-use.
- Note: Fiscal constraints have resulted in Police deferring a digital evidence management system required to appropriately store photographs and videos of members of the public. Such a digital evidence system would manage the collection, use, storage and deletion of photographs, and associated auditing and monitoring, but would have required major new investment. While such a digital evidence system has been deferred, Police continues to regularly consider any potential opportunities to use current technology to support improved practice in an incremental move towards compliance.

Work-in-progress	Completed	Will not meet
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### Report back on OPC Compliance Notice Requirements as of September 2024 – Open requirements

Compliance Notice Requirement		Progress update	Status
<b>Delete casual photos of rangatahi in public</b>			
46a(i)	Identify and delete all photographs (and duplicates of photographs) in Police’s systems that have been taken in a non-compliant manner	The lack of metadata, coupled with extremely large data holdings, mean that implementing a solution of this size and scale is not achievable without impacting frontline operations, would require significant financial investment, and would also have implications for Police’s core intelligence system.	Extension to 30 June 2025
	Associated reporting requirement: 47(a)(v): Specifying in detail how Police will meet the requirement set out in paragraph 46(a)(i) by no later than 30 June 2025 and proposing a reasonable time for doing so	Police continues to explore options to address this requirement.	
<b>Assurance requirement (NEW)</b>			
47(a)(vii)	Police not to access or use non-compliant photographs or records	Exploratory work is underway with the Chief Information Officer and Police’s Information Capability Team to develop a process to meet this requirement. Guidance to support the use of stored images as part of future investigative, intelligence functions is underway, and will provide a manual assurance process in the interim as technology solutions are explored.	30 June 2025

## 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 (22-03-18 First OPC 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 (22-12-20 2nd OPC Quarterly update re CN_2021_02)
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 (NEW)	Completed (24-03-16 Quarterly update re CN_2021_02)
46b(ii)	Ensure police officers stop collecting biometric prints from rangatahi in custody in a noncompliant manner	Completed (22-03-18 First OPC 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 (22-03-18 First OPC bimonthly update re CN_2021_02)
46c(ii)	Ensure police officers stop taking photographs of rangatahi in custody in a non-compliant manner	Completed (22-03-18 First OPC 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 (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 (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 (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 (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 (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 (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 (Fifth OPC quarterly update re CN_2021_02)