

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 Compliance Notice CN/2021/02 issued by the Office of the Privacy Commissioner (OPC) about Police photographing and fingerprinting practices. The initial timeline for completion of the Compliance Notice’s 14 requirements was 31 December 2023. In March 2024, OPC granted extensions for the completion of two remaining Compliance Notice requirements - 46(a)(i) and 46(b)(i) - and invited two-monthly progress reports describing steps Police has taken towards compliance.

Key updates since March 2024

- All digital and manual voluntary fingerprints now deleted (March 2024)
- Assurance check of Police-issued mobile devices (iPhones) underway across Districts to assess compliance against requirements relating to photographing members of the public (estimated completion June 2024)
- Plan to remediate potentially non-compliant images within Police’s shared drive scoped and costed. The lack of metadata coupled with extremely large data holdings have meant that implementing a solution of this size and scale is not achievable without impacting frontline operations and Police’s core intelligence system. Enhanced assurance work is being planned.

Other work

- Decision making framework (Checkpoint app) updated following publication of the Police Instruction *Photographing and videoing members of the public* (March 2024)
- Digital Disposal Standard published April 2024
- Planning underway for further assurance work, including additional improvements to policies, procedures and training.

Key for report back

Completed	Completed, and in the process of providing OPC with additional verification evidence	Will not meet at this time
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Report back on open OPC Compliance Notice requirements as of May 2024

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"> • Plan to remediate potentially non-compliant images within Police’s shared drives scoped and costed • The lack of metadata coupled with extremely large data holdings have meant that implementing a solution of this size and scale is not achievable without impacting frontline operations and Police’s core intelligence system • OPC provided with a high-level briefing and discussions ongoing between officials. 	<p>Will not meet at this time.</p> <p>Completion required under CN/2021/02 by 30 June 2025.</p>

Appendix 2 – Compliance Notice requirements assessed as complete by Police

Compliance Notice Requirement (Completed)		Status
Delete casual photos of rangatahi in public		
46a(ii)	Ensure police officers stop taking casual photographs of rangatahi in public in a noncompliant manner	Completed (March 2022 OPC bimonthly update)
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 (December 2022 OPC quarterly update)
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	Completed (March 2024 OPC quarterly update)
46b(ii)	Ensure police officers stop collecting biometric prints from rangatahi in custody in a noncompliant manner	Completed (March 2022 OPC bimonthly update)
Cease taking photographs of rangatahi in custody on a voluntary basis		
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 (March 2022 OPC bimonthly update)
46c(ii)	Ensure police officers stop taking photographs of rangatahi in custody in a non-compliant manner	Completed (March 2022 OPC bimonthly update)
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 (December 2022 OPC quarterly update)
Cease smartphone photography of adults in custody		
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 (December 2023 OPC quarterly update)
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 (December 2023 OPC quarterly update)
Take preventive procedures		
46e	Police must develop and implement agency-wide practices and procedures to prevent ongoing Privacy Act non-compliant practices	Completed (December 2023 OPC quarterly update)
Take deletion procedures		
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 (December 2023 OPC quarterly update)
Undertake training		
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 (December 2023 OPC quarterly update)
Take all other necessary steps		
46i	Police must identify and take all other necessary steps to ensure that noncompliant practices highlighted in this Compliance Notice do not continue.	Completed (December 2023 OPC quarterly update)