

Progress update on aspects of Police photographing and fingerprinting practices

Introduction

In line with expectations set in late 2021, this paper reports on progress New Zealand Police (Police) has made in response to:

1. The Compliance Notice issued by the Office of the Privacy Commissioner (OPC) about Police's photographing and fingerprinting practices. Police is responsible for implementing 13 specific Compliance Notice requirements [see Appendix 1] and taking steps to ensure its photographing and fingerprinting practices meet the requirements of the Privacy Act 2020.
2. Recommendations made in the joint inquiry by OPC and the Independent Police Conduct Authority (IPCA) into Police photographing of members of the public [see Appendix 2].

High level summary of progress from October to December 2022

In relation to the OPC Compliance Notice, since October 2022:

- Police has completed two requirements relating to development of a decision-making framework, and developing and implementing a system to regularly audit compliance with deletion requirements under the Privacy Act
- Progress has also been made against five other Compliance Notice requirements relating to policies, processes and training, as further detailed below.

In relation to the IPCA/OPC joint inquiry, since October 2022:

- Initial engagement has been completed with business units across Police National Headquarters (PNHQ) about processes for collating, storing, sharing and deleting photographs. Further detailed engagement is planned with frontline officers. Such engagements are also being used as an opportunity to educate staff about Privacy Act requirements.
- Review is underway of Police policies and procedures that relate to collating, storing, sharing or deleting photographs or fingerprints, in order to identify linkages and gaps.

Key

Status	Comments
Under action	Action has been taken, and is at an early stage of review and implementation
Progressively implemented	The review and implementation process is more advanced; measures are in place and being progressively advanced, with their effectiveness being monitored
Completed	Swift remedial action has been taken, with confidence the solution is enduring; the requirement can therefore be considered closed from an audit perspective, but will continue to be monitored

Report back on OPC Compliance Notice

Compliance Notice Requirement			Action Update: October 2022 – December 2022	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"> Reporting and analysis of OneDrive holdings continuing. 	Progressively Implemented
②	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)
③	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	<ul style="list-style-type: none"> The decision-making framework has been developed and is being built into CheckPoint, a Police mobility application primarily designed to support frontline officer decision making. This also reminds people to delete photos when the lawful purpose has been completed. Additional work will be undertaken under 46f where training, policies and procedures and auditing of systems will be implemented over 2023. 	Completed
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 noncompliant manner	<ul style="list-style-type: none"> Work continues on destroying paper records held on youth. 	Progressively implemented Completion due by December 2023
⑤	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)
Cease taking photographs of rangatahi in custody on a voluntary basis				
⑥	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)
⑦	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)
Cease smartphone photography of adults in custody				
⑧	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	<ul style="list-style-type: none"> Instructions sent to Police on identifying and destroying photographs of adults in Police Custody held across police systems taken in a noncompliant manner. Further work planned as part of policy and system changes, including as part of information management approach and migration strategy 	Under action Completion due by December 2023
⑨	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	<ul style="list-style-type: none"> Instructions sent to Police to stop using devices which are not connected to NIA to take photographs of adults in police custody in a noncompliant manner Further work planned as part of policy and system changes, including as part of information management approach and migration strategy 	Under action Completion due by December 2023
Take preventive procedures				
⑩	46e	Police must develop and implement agency-wide practices and procedures to prevent ongoing Privacy Act non-compliant practices	<ul style="list-style-type: none"> Initial engagement is complete with various business units across PNHQ. This covered understanding their processes for collection, storing, sharing and deletion of photos, as well as policies, education and training available. Planning is underway for further detailed engagement with frontline officers. Each engagement opportunity is being used to educate Directors and key staff about requirements under the Privacy Act. 	Under action Completion due by December 2023

Take deletion procedures				
⑪	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	<ul style="list-style-type: none"> Work is continuing with Police's Information and Communications Technology Service Centre (ICTSC) and associated business process owners on changes required to systems to ensure compliance with relevant retention and disposal rules. 	Under action Completion due by December 2023
Undertake training				
⑫	46g	Police must develop and deliver agency-wide training to its staff and relevant contractors on practices and procedures highlighted by this Compliance Notice	<ul style="list-style-type: none"> As above, linked with action to support requirement 3 and 10 of the Compliance Notice. 	Under action Completion due by December 2023
Develop and implement a system to audit compliance				
⑬	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	<ul style="list-style-type: none"> Phased approach has been developed in conjunction with the Assurance Group to audit compliance with the deletion obligation. 	Completed
Take all other necessary steps				
⑭	46i	Police must identify and take all other necessary steps to ensure that noncompliant practices highlighted in this Compliance Notice do not continue.	<ul style="list-style-type: none"> Practices are being identified as part of engagement, and engagement is being used to educate about the requirements under the Privacy Act. Planning is also underway to remediate any non-compliant practices progressively. 	Under action Due as soon as reasonably practicable

Report back on recommendations by the Independent Police Conduct Authority and Privacy Commissioner into Police's conduct when photographing members of the public

Summary of Recommendation		Progress update September to December 2022	Indicative timeframe	Status
#	Taking photographs for <u>intelligence</u> purposes			
1.	Police should develop a consolidated and comprehensive policy covering the use of photography to collect personal information under the Privacy Act for general <u>intelligence gathering purposes</u> .	<ul style="list-style-type: none">Initial engagement with various business units across PNHQ about their processes for collating, storing sharing and deleting photos and associated systems is complete. Planning underway for further detailed engagement with DistrictsReview of Police policies and procedures that relate to collating, storing, sharing or deleting photographs or fingerprints in progress to identify linkages, gaps and consolidation opportunities.Decision-making framework has been developed as part of meeting OPC compliance Notice (46a(iii)) which provides guidance to front line officersWork continuing as part of engagement to determine best approach to further training and guidance based on policy updates	Dec 2023	Under action
2.	Police policy should provide clear guidelines for complying with the Privacy Act when stopping a youth in public and taking photographs for general <u>intelligence-gathering purposes</u>			
3.	Police policy should require officers to record the circumstances and considerations that they rely on to justify the collection of personal information for purposes of intelligence gathering.			
4.	Police policy should include guidance on the limits of an officer's power to take photographs or video recordings when that officer is lawfully on private premises.			
	Taking photographs for <u>investigation</u> purposes			
5.	Police should develop a consolidated and comprehensive policy covering the use of photography to collect personal information under the Privacy Act for <u>non-crime scene identification</u> . This policy should develop clear, practical guidelines for complying with the Privacy Act <u>when stopping individuals in public and taking photographs for purposes of investigations</u>	<ul style="list-style-type: none">Initial engagement with various business units across PNHQ about their processes for collating, storing sharing and deleting photos and associated systems is complete. Planning underway for further detailed engagement with frontline officers. Engagement is also being used to educate about the requirements under the Privacy ActReview of Police policies and procedures that relate to collating, storing, sharing or deleting photographs or fingerprints in progress to identify linkages, gaps and consolidation opportunities.Decision-making framework has been developed as part of meeting OPC compliance Notice (46a(iii)) which provides guidance to front line officersWork continuing as part of engagement to determine best approach to further training and guidance based and policy updates	Dec 2023	Under action
6.	Police policy should provide clear guidelines for complying with the Privacy Act when taking photographs of youth for investigation purposes			
7.	Police policy should require officers to record the circumstances and considerations that they rely upon to justify the collection of personal information for investigation purposes.			
8.	Police policy should confirm that Police may take photographs at a crime scene provided that the privacy of those unrelated to the incident is taken into account. This could be addressed by the redaction of images that include individuals who are not relevant to the investigation.			
	Traffic checkpoints and other traffic stops			
9.	Police should prioritise review of training and policy on LTA checkpoints and stops:	<ul style="list-style-type: none">Work continuing as part of engagement to determine best approach to further training and guidance based on policy updates	Dec 2023	Under action
	Protests and other large gatherings			
10.	Police should review the Demonstrations policy	<ul style="list-style-type: none">Policy has been reviewed and updated, currently under internal review.	Dec 2023	Under action
	Issuing notices and proof of service			
11.	As part of a general review of policy and guidance relating to photographs of members of the public, Police should review and update policies and process relating to proof of service. This should make it clear that officers may photograph individuals holding a summons or 22 Recommendation infringement notice, as long as officers properly explain the purpose and use of the photograph, take it by fair and reasonable means, and limit the use of the photographs to demonstrating proof of service.	<ul style="list-style-type: none">Review of Police policies and procedures that relate to collating, storing, sharing or deleting photographs or fingerprints in progress to identify linkages, gaps and consolidation opportunities.Decision-making framework has been developed as part of meeting OPC compliance Notice (46a(iii)) which provides guidance to front line officers	Dec 2023	Under action

Summary of Recommendation		Progress update September to December 2022	Indicative timeframe	Status
	Responding to monitoring by members of the public			
12.	As part of a general review of policy and guidance relating to photographs of members of the public, Police should ensure there is guidance about the lawful basis for photographing or video recording members of the public monitoring Police. This should make clear that officers should do so only if the officer has reasonable concerns that the person’s behaviour poses a threat or is obstructing them in the performance of their duty.	<ul style="list-style-type: none">Review of Police policies and procedures that relate to collating, storing, sharing or deleting photographs or fingerprints in progress to identify linkages and gaps and consolidation opportunities.Decision-making framework has been developed as part of meeting OPC compliance Notice (46a(iii)) which provides guidance to front line officers	Dec 2023	Under action
	Interaction with youth in Police stations			
13.	Police policy should reflect that “voluntary consent” - whether or not it is informed - does not make the otherwise unlawful or unnecessary collection of personal information lawful or compliant with the Privacy Act	<ul style="list-style-type: none">Review of Police policies and procedures that relate to collating, storing, sharing or deleting photographs or fingerprints in progress to identify linkages and gaps and consolidation opportunities.Decision-making framework has been developed as part of meeting OPC compliance Notice (46a(iii)) which provides guidance to front line officers	Dec 2023	Under action (note 2 parts of this recommendation were completed as per 22-03-18 First OPC bimonthly update re CN_2021_02)
14.	Police should cease the practice of taking photographs of youth on a ‘voluntary’ basis where a youth has been uplifted or detained, except where a photograph is necessary for Police’s care and protection role to ensure the safety of the youth.	<ul style="list-style-type: none">Completed as part of meeting OPC Compliance Notice [46(c)(ii)]		
15.	Police should cease the practice of taking biometric prints from youth on a ‘voluntary’ basis.	<ul style="list-style-type: none">Completed as part of meeting OPC Compliance Notice [46(b)(ii)]		
16.	Police policy should identify limits on taking voluntary photographs and informed consent (for youth)	<ul style="list-style-type: none">Decision-making framework has been developed as part of meeting OPC compliance Notice (46a(iii)) which provides guidance to front line officers		
17.	Police should prioritise training for officers to improve understanding of taking voluntary photographs, informed consent			
18.	Police should prioritise training for officers to improve understanding of Police functions under the Oranga Tamariki Act		<ul style="list-style-type: none">Work continuing as part of engagement to determine best approach to further training and guidance based on policy updates	
	Use			
19.	Police policy should provide clear guidelines on the purposes for which lawfully collected personal information in the form of photographs and videos may be used under the Privacy Act (IPP 10).	<ul style="list-style-type: none">Decision-making framework has been developed as part of meeting OPC compliance Notice (46a(iii)) which provides guidance to front line officersWork continuing as part of engagement to determine best approach to further training and guidance based on policy updates	Dec 2023	Progressively implemented
	Retention			
20.	Police policy and guidelines (including any relevant disposal schedule) should be reviewed and amended to ensure the technology policy is fit for purpose to support compliance with Police’s obligations under the Privacy Act (and other relevant legislation) and provide guidance for officers routinely using mobile devices for mixed personal and policing purposes	<ul style="list-style-type: none">Review of Police policies and procedures that relate to collating, storing, sharing or deleting photographs or fingerprints in progress to identify linkages and gaps and consolidation opportunities.Work continuing as part of engagement to determine best approach to further training and guidance based on policy updates	Dec 2023	Under action
21.	Police should prioritise regular training for all officers on using mobile devices to ensure legal compliance			
	General			
22.	Police should review systems and implement the ability to audit compliance	<ul style="list-style-type: none">Review of Police policies and procedures that relate to collating, storing, sharing or deleting photographs or fingerprints in progress to identify linkages, gaps and consolidation opportunities.Work continuing as part of engagement to determine best approach to further training and guidance based on policy updates	Dec 2023	Under action
23.	Police should develop a strategy to improve its staff’s fundamental understanding of the application of the Privacy Act to the collection and protection of personal information with a particular focus on photographs as sensitive biometric information			

Appendix 1 – Privacy Act Compliance Notice requirements of New Zealand Police

Para ref.	Requirement wording from CN/2021/02 issued to the Commissioner of Police on 22 December 2021, and subsequently varied on 1 September 2022	Current status
46a(i)	The Agency must identify and delete all photographs (and duplicates of such photographs) in the Agency's systems that the Agency has taken in the manner that this compliance notice describes at paragraph 39a [Casual photographing of rangatahi in public].	Progressively implemented
46a(ii)	The Agency must ensure that police officers stop taking casual photographs of rangatahi in public in the manner that this compliance notice describes at paragraph 39a [Casual photographing of rangatahi in public], to ensure that the Agency does not retain those photographs for longer than is required to meet a lawful purpose.	Completed
46a(iii)	The Agency must develop and implement a decision-making framework based on objective and lawful criteria which a police officer must follow when deciding whether that police officer can photograph young persons and rangatahi in public, to ensure that the Agency does not retain those photographs for longer than is required to meet a lawful purpose.	Completed
46b(i)	The Agency must identify and delete all sets of Biometric Prints (and duplicates of such Biometric Prints) in the Agency's systems that the Agency has collected in the manner that this compliance notice describes at paragraph 39b [Biometric Prints from rangatahi in custody].	Progressively implemented
46b(ii)	The Agency must ensure that police officers stop collecting Biometric Prints from rangatahi in custody in the manner that this compliance notice describes at paragraph 39b [Biometric Prints from rangatahi in custody], to ensure that the Agency does not retain Biometric Prints for longer than is required to meet a lawful purpose.	Completed
46c(i)	The Agency must identify and delete all photographs (and duplicates of such photographs) in the Agency's systems that the Agency has collected in the manner that this compliance notice describes at paragraph 39c [Photographs of rangatahi in custody].	Completed
46c(ii)	The Agency must ensure that police officers stop taking photographs of young persons rangatahi in custody in the manner that this compliance notice describes at paragraph 39c [Photographs of rangatahi in custody], to ensure that the Agency does not retain those photographs for longer than is required to meet a lawful purpose.	Completed
46d(i)	The Agency must identify and delete photographs (and duplicates of such photographs) of adults in police custody in the manner that this compliance notice describes at paragraph 39d [Photographing of adults in custody].	Under action
46d(ii)	The Agency must ensure that, until the Agency meets its obligations pursuant to paragraphs 46f and 46g [Take deletion procedures and Undertake training], police officers stop using devices which are not connected to NIA (including, without limitation, Agency-issued smartphone devices) to take photographs of adults in police custody in the manner that this compliance notice describes at paragraph 39d [Photographing adults in custody], to ensure that the Agency does not retain those photographs for longer than is required to meet a lawful purpose.	Under action
46e	The Agency must develop and implement agency-wide practices and procedures to ensure the practices set out in paragraph 39 [Noncompliance with Information Privacy Principle (IPP) 9] do not continue.	Under action
46f	The Agency 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 that the Agency does not keep any identifying particulars for longer than is required for a lawful purpose.	Under action
46g	The Agency must develop and deliver agency-wide training to its staff and relevant contractors on the practices and procedures that this compliance notice outlines in paragraphs 46a(iii), 46e and 46f.	Under action
46h	The Agency 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 that the Agency does not keep any identifying particulars for longer than is required for a lawful purpose.	Completed
46i	The Agency must identify and take all other necessary steps to ensure that its practices set out in paragraph 39 do not continue.	Under action

Appendix 2 – Joint inquiry by the Independent Police Conduct Authority and the Privacy Commissioner into Police conduct when photographing members of the public

Recommendation		Detail	Status
#	Taking photographs for <u>intelligence</u> purposes		
1.	Police should develop a consolidated and comprehensive policy covering the use of photography to collect personal information under the Privacy Act for general <u>intelligence gathering purposes</u> .	<p>(a) setting an appropriate threshold under the Privacy Act (IPP1) for the collection of personal information: when turning their minds to their reasons for collection officers must be able to articulate a <u>reasonable possibility</u>, based on more than mere conjecture, that the individual being photographed could be relevant to a particular or likely investigation (the lawful purpose).</p> <p>(b) unless an exception applies, informing the individual of the purpose for taking the photograph, the consequences for the individual if the photograph is not provided and other information required under the Privacy Act (IPP 3)</p> <p>(c) setting out the applicable thresholds for exceptions to the requirement to inform the individual. In relation to the maintenance of the law exception, that requires a reasonably held belief that not complying with IPP 3 is necessary to avoid prejudice to the maintenance of the law;</p> <p>(d) the circumstances that require the consent of the individual to ensure that photographing the individual is fair and does not intrude to an unreasonable extent on their personal affairs. For example: (i) if an officer is engaging with an individual and informing them of the reason and purpose for the photograph, it will generally be fair to also obtain their consent, particularly if the individual is a youth; or (ii) if seeking the individual's consent would be disproportionately prejudicial to the reason for taking the photograph or to the maintenance of the law, that risk of prejudice can justify proceeding without consent; and (iii) that, if a photograph is taken after the refusal of consent, the individual must be informed that the photograph is mandatory.</p>	Under action
2.	Police policy should provide clear guidelines for complying with the Privacy Act when stopping a youth in public and taking photographs for general <u>intelligence-gathering purposes</u>	<p>(a) reflecting the youth specific protections in the Oranga Tamariki Act and UNCROC;</p> <p>(b) tailoring the explanation under IPP 3 to the youth in an age-appropriate way; and</p> <p>(c) reflecting the requirements of IPP 4 when officers are deciding whether to proceed with a photograph of a youth and require officers to engage with the youth's family, whanau or caregiver and, in the case of a child or tamariki under the age of 14, to obtain consent from them (or if they are unavailable another appropriate and independent adult), before taking a photograph of the youth.</p>	Under action
3.	Police policy should require officers to record the circumstances and considerations that they rely on to justify the collection of personal information for purposes of intelligence gathering.		Under action
4.	Police policy should include guidance on the limits of an officer's power to take photographs or video recordings when that officer is lawfully on private premises.		Under action
	Taking photographs for <u>investigation</u> purposes		
5.	Police should develop a consolidated and comprehensive policy covering the use of photography to collect personal information under the Privacy Act for <u>non-crime scene identification</u> . This policy should develop clear, practical guidelines for complying with the Privacy Act <u>when stopping individuals in public and taking photographs for purposes of investigations</u>	<p>(a) setting an appropriate threshold under the Privacy Act (IPP1) for the collection of personal information: when turning their minds to their reasons for collection officers must be able to articulate a <u>reasonable possibility</u>, based on more than mere conjecture, that the individual being photographed could be relevant to a specific investigation that is currently underway (the lawful purpose).</p> <p>(b) unless an exception applies, informing the individual of the purpose for taking the photograph, the consequences for the individual if the photograph is not provided and other information required under the Privacy Act (IPP 3)</p> <p>(c) setting out the applicable thresholds for exceptions to the requirement to inform the individual. In relation to the maintenance of the law exception, that requires a reasonably held belief that not complying with IPP 3 is necessary to avoid prejudice to the maintenance of the law;</p> <p>(d) the circumstances that require the consent of the individual to ensure that photographing the individual is fair and does not intrude to an unreasonable extent on their personal affairs. For example: (i) if an officer is engaging with an individual and informing them of the reason and purpose for the photograph, it will generally be fair to also obtain their consent, particularly if the individual is a youth; or (ii) if seeking the individual's consent would be disproportionately prejudicial to the reason for taking the photograph or to the maintenance of the law, that risk of prejudice can justify proceeding without consent; and (iii) that, if a photograph is taken after the refusal of consent, the individual must be informed that the photograph is mandatory.</p>	Under action
6.	Police policy should provide clear guidelines for complying with the Privacy Act when taking photographs of youth for investigation purposes	<p>(a) reflecting the youth specific protections in the Oranga Tamariki Act and UNCROC;</p> <p>(b) tailoring the explanation under IPP 3 to the youth in an age-appropriate way; and</p> <p>(c) reflecting the requirements of IPP 4 when officers are deciding whether to proceed with a photograph of a youth and require officers to engage with the youth's family, whanau or caregiver and, in the case of a child or tamariki under the age of 14, to obtain consent from them (or if they are unavailable another appropriate and independent adult), before taking a photograph of the youth.</p>	Under action

Recommendation		Detail	Status
7.	Police policy should require officers to record the circumstances and considerations that they rely upon to justify the collection of personal information for investigation purposes.		Under action
8.	Police policy should confirm that Police may take photographs at a crime scene provided that the privacy of those unrelated to the incident is taken into account. This could be addressed by the redaction of images that include individuals who are not relevant to the investigation.		Under action
	Traffic checkpoints and other traffic stops		
9.	Police should prioritise review of training and policy on LTA checkpoints and stops to ensure that:	(a) policies reflect the current legal constraints, including the application of the privacy principles when taking photographs for non-LTA purposes;	Under action
		(b) checkpoints and other traffic stops are not established for the primary purpose of collecting photographs and personal information for a collateral purpose	Under action
		(c) information gathered in the course of an LTA checkpoint or stop is not used for other purposes (e.g., general intelligence) unless lawfully collected for that other purpose, or it comes under a valid use exception under the Privacy Act	Under action
		(d) photographs are taken for identification purposes at traffic checkpoints and other traffic stops when an infringement notice is being issued only when the driver’s identity is not able to be ascertained in other way (e.g., by examination of the driving licence and accompanying photograph);	Under action
		(e) officers receive regular training on the limits of taking photographs at LTA checkpoints and traffic stops.	Under action
	Protests and other large gatherings		
10.	Police should review the Demonstrations policy to reflect that	(a) an appropriate threshold for photography is where the officer believes, based on some articulable facts, that there is a reasonable possibility of disorder occurring	Under action
		(b) recording demonstrators for no reason other than their presence in an otherwise lawful and peaceful demonstration, with the aim of identifying them for potential future demonstrations, is not necessary for a lawful Police purpose.	Under action
	Issuing notices and proof of service		
11.	As part of a general review of policy and guidance relating to photographs of members of the public, Police should review and update policies and process relating to proof of service. This should make it clear that officers may photograph individuals holding a summons or 22 Recommendation infringement notice, as long as officers properly explain the purpose and use of the photograph, take it by fair and reasonable means, and limit the use of the photographs to demonstrating proof of service.		Under action
	Responding to monitoring by members of the public		
12.	As part of a general review of policy and guidance relating to photographs of members of the public, Police should ensure there is guidance about the lawful basis for photographing or video recording members of the public monitoring Police. This should make clear that officers should do so only if the officer has reasonable concerns that the person’s behaviour poses a threat or is obstructing them in the performance of their duty.		Under action
	Interaction with youth in Police stations		
13.	Police policy should reflect that “voluntary consent” - whether or not it is informed - does not make the otherwise unlawful or unnecessary collection of personal information lawful or compliant with the Privacy Act		Under action
14.	Police should cease the practice of taking photographs of youth on a ‘voluntary’ basis where a youth has been uplifted or detained, except where a photograph is necessary for Police’s care and protection role to ensure the safety of the youth.		Completed
15.	Police should cease the practice of taking biometric prints from youth on a ‘voluntary’ basis.		Completed
16.	Police policy should identify	(a) the limits on taking ‘voluntary’ photographs of youth (and adults) present in Police stations on a voluntary basis under IPP 1	Under action
		(b) where a youth is concerned, the requirement for a parent, caregiver or other appropriate adult to be present to give informed consent for a ‘voluntary’ photograph.	Under action
17.	Police should prioritise training for officers to improve understanding of:	(a) Police’s functions under the Oranga Tamariki Act in the youth justice and care and protection contexts;	Under action
		(b) the youth-specific protections due to vulnerability.	Under action
	Use		
18.	Police policy should provide clear guidelines on the purposes for which lawfully collected personal information in the form of photographs and videos may be used under the Privacy Act (IPP 10).		Under action

Retention			
19.	Police policy and guidelines (including any relevant disposal schedule) should be reviewed and amended to ensure the technology policy is fit for purpose to support compliance with Police's obligations under the Privacy Act (and other relevant legislation) and provide guidance for officers routinely using mobile devices for mixed personal and policing purposes including, in particular:	(a) the consistent storage and uploading of images and associated data to secure locations, and minimising the retention of images on individual devices and the duplication of images across Police systems	Under action
		(b) limits on using individual devices to capture images where other Police devices or technology is specifically set up for that purpose	Under action
		(c) protocols on handling sensitive or traumatic images.	Under action
		(d) limits on the use and retention of images (and copies) in individual devices and in Police systems;	Under action
		(e) routine review and deletion of images from mobile and desktop devices	Under action
		(f) protocols for purging and replacing devices.	Under action
20.	Police should prioritise regular training for all officers on using mobile devices to ensure legal compliance.		Under action
General			
21.	Police should review systems and implement the ability to audit compliance with:	(a) updated technology policy and the handling of photographs of individuals on mobile devices	Under action
		(b) the deletion of identifying particulars in accordance with statutory time limits.	Under action
22.	Police should develop a strategy to improve its staff's fundamental understanding of the application of the Privacy Act to the collection and protection of personal information with a particular focus on photographs as sensitive biometric information covering	(a) policies and processes	Under action
		(b) training	Under action
		(c) methods for updating knowledge and practice on an ongoing basis.	Under action
23.	In implementing the strategy, Police should establish a rolling programme of reviews and updates of key policies, and develop and deliver agency-wide training to its staff and relevant contractors on:	(a) the decision-making framework and procedures to be followed to photograph individuals and youth in public	Under action
		(b) storage and deletion procedures.	Under action