

## 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 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 Compliance Notice issued by OPC

- A new online training module “Photographing Members of the Public” (compulsory completion for all constabulary staff) went live 16 November 2023.
- Engagement continues with Police District Youth teams, and District Leads supporting the implementation of Police guidance and training.
- *Police Information Management* policy covering retention/disposal of information (including photographs, videos, and fingerprints) updated, and new overarching Police Instructions covering the management of photographs and videos of members of the public nearing completion.
- A Digital Disposal Standard is in development to support the process of disposing digital information (first quarter of 2024).
- Extensive work completed to explore options to satisfy the requirement to delete casual photographs of rangatahi in public.

### Key for report back and milestone report

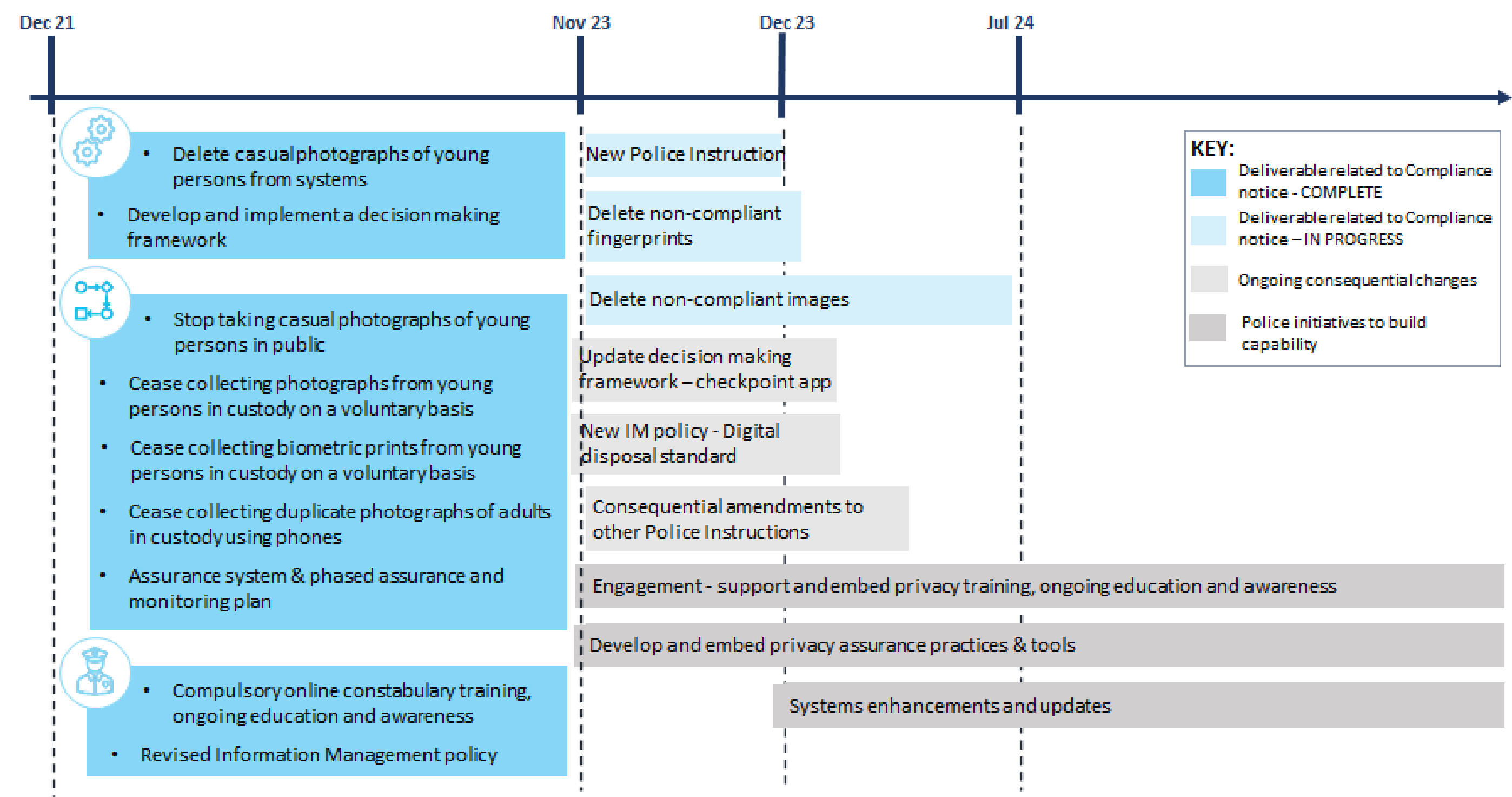
Will not meet in required timeframe	In progress	Completed
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### Report back on OPC Compliance Notice requirements as of December 2023 – Open requirements

Compliance Notice Requirement			Progress update	Status
<b>Delete casual photos of rangatahi in public</b>				
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>• Extensive work completed to explore options to meet the intent of the requirement to delete casual photographs of rangatahi in public. A formal request seeking an extension of time to meet this requirement has been sent to OPC for consideration.</li> </ul>	Will not meet originally-specified timeframe
<b>Cease collecting biometric prints from rangatahi in custody on a voluntary basis</b>				
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"> <li>• Work progressing to delete digital voluntary prints in Police’s system (Automated Biometric Information System) and manual voluntary prints in Districts. Digital deletions are expected to be complete by 31 December. Eighty percent (80%) of manual voluntary prints to be completed by 31 December. Remaining manual prints to be deleted in the first quarter of 2024. Quality assurance work to identify and resolve any discrepancies between the manual and digital holdings is expected to be completed by February 2024.</li> </ul>	In progress Will be completed in the first quarter of 2024
<b>Cease smartphone photography of adults in custody</b>				
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"> <li>• Most custody photographs are taken using a custody suite camera and uploaded to system of record. None of these systems are directly connected to NIA. Where a custody suite camera is not available, custody photographs are taken using cameras or phones and uploaded in accordance with Police Instructions.</li> <li>• Exploratory work has not identified any further images within the scope of this requirement.</li> </ul>	Completed Nov 2023 Proposing to close
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"> <li>• Assurance activity will assess compliance against instructions that have been issued.</li> </ul>	Completed Nov 2023 Proposing to close

Compliance Notice Requirement			Progress update	Status
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"> <li>New Police Instructions covering the management of photographs and videos of members of the public are nearing completion (pending approval), and related Police Instructions and associated practices/procedures will be updated following approval of the new Police Instruction.</li> <li>Police is proposing to close this requirement on implementation. Assurance activity will assess compliance against instructions issued.</li> </ul>	In progress Completion due by the end of 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"> <li>Processes and procedures for destroying identifying particulars are outlined in the Police Manual chapter on <i>Identifying particulars for summons</i>.</li> </ul> <p><i>Additional steps</i></p> <ul style="list-style-type: none"> <li>New overarching Police Instructions covering the deletion and destruction of photographs and videos of members of the public are nearing completion (pending approval)</li> <li>A revised Police Information Management Policy covering retention/disposal of information (including photographs, videos and fingerprints), along with updated roles and responsibilities for Information Management completed and published October 2023).</li> <li>A Digital Disposal standard is being developed to clarify processes for disposing of digital information (1st quarter of 2024).</li> <li>Workshops were held with Police's Information and Communications Technology Service Centre (ICTSC) and relevant system owners to determine the systems enhancements required to ensure compliance with relevant retention and disposal rules.</li> <li>Assurance activity will assess compliance against instructions that have been issued</li> </ul>	Completed Proposing to close
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"> <li>A new online training module "Photographing Members of the Public" (compulsory completion for all constabulary staff) went live 16 November 2023 with completion tracking to 31 December 2023. Information and awareness activities supporting the release of the training will be ongoing to maintain momentum.</li> <li>Production of supporting video packages is expected to start in early 2024. These will be used by leadership teams to continue discussion and education about privacy.</li> <li>Education: continued regular engagement with Police Youth Aid Supervisors to provide a more in-depth understanding of key elements of the new Police Instruction, training, and to answer queries from operational teams.</li> <li>Education: regular leadership education sessions with Police District Change Leads to support and embed learning into District operational practices and procedures. The District Change Leads lead the training implementation in Districts and drive Q&amp;A with leadership teams and officers. Next phase of education will be to operationalise the new Police Instruction.</li> </ul>	In progress Completion due by the end of December 2023
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"> <li>Opportunities to improve practices continue to be identified as part of ongoing engagement.</li> <li>Content is in development for inclusion in the Initial Recruit Training curriculum to embed privacy thinking and set expectations of practice and procedures for new officers joining Police.</li> <li>Online privacy training is compulsory and is part of an onboarding package for all new staff.</li> <li>Functionality in the Digital Notebook will be enhanced to support Officers to collect sufficient information to support compliance, provide a good evidential base and keep them legally safe.</li> <li>Standardised requirements are in development for new and legacy systems to support compliance with the law, enable automated reporting, auditing, and deletion.</li> <li>Police <i>Privacy Fundamentals</i> have been developed. These three high-level statements are designed to support consistent personal information management practices, and awareness, across Police.</li> </ul>	Proposing to close in agreement with OPC

Visual overview of Police photographing and fingerprinting practices work as at December 2023



## 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 (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(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)